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A Journal of the
John W. McCormack Institute
of Public Affairs
University of Massachusetts Boston
and the
Center for Policy Analysis
University of Massachusetts Dartmouth

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Editor's Note

Padraig O'Malley

The political hangover the country endures every four years after the binge of presidential politics will, like hangovers of a different kind, ease with the passage of time, the ingestion of appropriate bromides, and a little abstentionism, unless one is of the addictive inclination, in which case a hair of the political dog that bit us will suffice to keep the individual adequately oiled.

It is, after all, only four years to the millennium, the challengers are warming up, the handicappers are working the odds, and the president-reelect is already a lame duck, a condition that automatically afflicts any politician who can't succeed himself in office. The clock, as former football great Jack Kemp warned us ad nauseam, is running out on the twentieth century and the country can't afford a time out although a time out is precisely what the doctor would prescribe, if only so we might try to find a quiet corner in which to figure out where the hell we are.

One thing is certain: we do not inhabit either of the countries Bill Clinton and Bob Dole would have us believe we do, but now that their forays into nonsense are over, to the relief of all the would-be victims of the candidates' attempts to clobber them into banana-land, we might take refuge for a moment in the solitude of reflection, try to place the American century into historical perspective, gauge our contributions or lack thereof to the century coming to a close and our responsibilities to the next, which we have woefully failed to acknowledge during America's watch.

But solitude in our culture is deviant — Why play around with solitude when one can turn to loneliness for relief? In the fog that substitutes for vision we are unable to see our way forward, unconcerned about our waywardness. We have, however, become more proficient at moral stumbling — staggering requires its own motor skills; more impervious to the cries of the distressed; more dismissive of safety nets; more unaware than ever, despite the shrinking boundaries of the global village of which we are part, of the wretched masses huddled on our doorsteps. Reflection in our culture is an aberration, a pursuit of questionable purpose, perhaps even of subversive intent, something to suspect rather than appreciate.

In a paraphrase of Yogi Berra's immortal words, we came to a fork in the road and we took it. Which is all in the way of introducing this issue of the *New England Journal of Public Policy*. The articles featured here, while spanning a very broad spectrum of public policy, have several unifying themes. They are all case studies in one way or another of the incompetence that is an essential feature of the public policy

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process in a democratic culture, of the constraints in the way of making change, no matter how obviously desirable or in the interest of the public good; of the propensity for the human dimension to unglue the most well-conceived plans; of the inefficiencies that are the hallmark of consultation and transparency and the even greater inefficiencies that accompany nontransparency and lack of consultation; of the necessity, if practitioners are to have a snowball's chance of achieving successful outcomes, of being able to define with what I venture to call severe clarity the objectives of policy, the interests of the various stakeholders, the strategies that must be deployed to accommodate the often competing interests these constituencies represent, of the powerful and frequently underestimated influence of self-interest and outright prejudice, invariably involved in the guise of noble altruism, in what gets done and how it gets done. To some extent the latter is reassuring; no model of policy design, no plan of policy implementation, no consideration of process, no exercise in outreach, no limit of communication, consultation, and inclusion is immune to the vagaries of the human personalities involved. In the end we are at the mercy of our foibles, not the World Wide Web. The Internet that counts is in the back of our heads, not in the guts of our toy machines.

This issue is notable in two respects: first, for carrying two articles by the same author, a practice generally considered to be a no-no in the business, and second, for two separate authors alluding to the writings of the Nigerian Nobel prize-winning author Chinua Achebe to describe the state of the public realm in Connecticut, a state we are not accustomed to thinking of in terms of third world parallels, especially in view of the fact that it is the state with the highest per capita income in the country.

The two articles by Richard Hogarty are published for reasons of timeliness and pertinence, and because in an odd way they complement each other, reflecting the different ways institutions respond to changing circumstances, responses that are the product not only of the objectives that exist at a point in time but also of the institution's own history. "Downsizing the Mental Health System in Massachusetts: The Politics of Evasion," graphically demonstrates the appropriateness of the adage "Good intentions randomize behavior." In focusing on the circuitous perambulation of the decision-making processes that accompanied the eventual closure of Metropolitan State Hospital, Hogarty deftly illustrates the contradictions and conundrums with which the Massachusetts mental health system tried to come to grips over three decades, including policy shifts with respect to deinstitutionalization and privatization, the unforeseen outcomes that were spin-offs of both, and the institutional inability of the system to respond to the problems it faced in changing fiscal circumstances — and changing public attitudes toward mental health. One lesson which emerges is that large capital outlays, which appear justifiable given our current understanding of a problem, and that even effect economies of scale in attempting to provide for future needs may, in the long run, become both political and institutional albatrosses and constrain policy alternatives in a world of rapid technological change. Innovations must always be examined in the light of the penalties that accrue to the early starter.

In his second article, "UMass Chooses a Political President: The Politics of a Presidential Search," Hogarty continues his chronicling of the university's searches for either presidents or campus chancellors over the past ten years. This article, the fourth in the series, indicates that the objective of the presidential search underwent a fundamental redefinition, one made necessary for the institution to survive in a very harsh world of competition for the state's scarce resources. A university president is supposed to be many things to many constituencies; short of being a miracle worker, he or she

will inevitably fall short in some regard, and as is the current wont, he or she will inevitably be judged not with respect to what has been achieved but to what has been left undone.

Of the three major functions — academic leadership, business management (read fund-raising), and political sharpshooter — the first, academic leadership, has traditionally been the flagship function. Hence, search committees have usually occupied themselves with “national” searches (nothing less suffices for such distinguished positions!) for the impeccably credentialed Mr./Mrs./(oops!)/ Dr. Right, who often brings an unsurpassed knowledge of the impact of the culinary habits of minor microcosms on the ingestive tracts of the *Anthurium scherzerianum* to the job, but little in the way of an understanding of the capital needs of a large educational institution, the necessity for fiscal rectitude, the complexities of budgets, the complications of running a large organization with thousands of employees and tens of thousands of customers, and the relation of all these factors to the recruitment and retention of top-rate academic talent and appeal to a top-rate student body. It is perhaps not surprising that average tenure in the hallowed post at the average university is about five years, part of the problem being that those who are often the most assiduously wooed are the most conspicuously unqualified.

The stresses of the ivory tower and the professorial absentmindedness associated with the pursuit of Pure Knowledge transcend grubby concerns about filthy lucre and the still more grubby pursuits that go into its accumulation. For a state university, dependent for its very existence on the largess of the state legislature, it would seem self-servingly obvious that without a president accomplished in the political arts of state lobbying and the nuances of state legislative politics, especially in an era of massive public sector cutbacks and the political ideology of perennial downsizing, its chances of survival in the wild and wicked world beyond its campuses’ serene boundaries are at best less than problematic and at worst grim as the Reaper himself.

And so it proved to be. There was a time in the mid-1980s when *Time* magazine singled out the Boston campus of the University of Massachusetts as one of the ten most promising, up-and-coming young public education institutions in the country. The Amherst campus was already straddling the giddy heights with references to its being the Berkeley of the East, an educational powerhouse in its own right.

But when the bubble of prosperity burst in Massachusetts, public higher education, never much of a state priority in the first place, became the dumping ground for the state’s financial woes, a convenient taxpayer scapegoat, with few strong advocates to press its claims for continued excellence — a state with too many colleges competitive with a Harvard or an MIT only diminishes the prestige of the latter. If exclusivity loses its advantage, what is the point of privilege? The Pew Higher Education Roundtable released a report in 1994 that pithily encapsulated the public sector’s position on public higher education. “The real anger at higher education,” it said, “comes principally from the makers and shapers of public policy — governors, legislators, regulators, heads of public agencies, and surprisingly, an increasing number from the world of private philanthropy.”

The boom dropped, and so did state appropriations: from \$352 million in 1988 to \$271 million in 1992. It was in real terms a drop of 26 percent over sixteen years compared with a drop of 11 percent nationally, namely, cuts two and a half times greater than those which the rest of the country had to bear in the years of national austerity that followed the financial shenanigans of the Reagan years. Hogarty catalogues the damage

to the Massachusetts system: at Amherst the combined verbal and math SAT scores for the entering class declined from 1050 in 1989 to a low of 994 in 1994. Tuition increased from \$2,000 in 1988 to \$4,400 in 1995. With fees, room, and board, it cost \$9,702 for state residents and \$16,048 for out-of-staters, making it one of the most expensive state universities in the country. UMass Boston no longer finds itself among the cerebral newcomers on the block. The aging buildings on the five campuses need close to one billion dollars for repairs. And if this accrual of deficits were not enough, Massachusetts ranks thirty-eighth among the fifty states in per capita state taxes appropriated for public higher education. In the end, if the university's trustees had not chosen state Senate president William M. Bulger to fill the position of president of the statewide university system, the post would have had to be filled by another person with the same name. The paradigm has shifted; just how extensive that shift was is painstakingly detailed by Hogarty, and many in academe are slow to grasp its implications.

The two articles on Connecticut also complement each other. In "The Trouble with Connecticut" and "The Battle for City Hall: What Do We Fight Over?" Kenneth Long and Louise Simmons, respectively, examine the failure of the political institutions in the state to execute their redistributive role. Indeed, both articles pose disturbing questions for policymakers, questions that go way beyond the particular circumstances of Connecticut — and even the United States. Connecticut has the highest per capita income of any state in the country. Forty percent of all Connecticut households have incomes in excess of \$50,000 compared with 24 percent of all American households; the median household income is 39 percent above the national median. The state's richest municipality, Weston, has a median household income of more than \$100,000, which is close to five times greater than that of Hartford, the state's largest city, which manages to scrape by on a median household income of little more than \$22,000. But this is only the last of the inequities that are the hallmark of the state. Collectively, 17 percent of its four largest cities' residents receive Aid to Families with Dependent Children (AFDC). This is approximately twenty-two times the median rate for the state. Their crime rate is seven times higher than the state median, and renter-occupied housing (63%) is three times higher than the state median.

These figures are illustrative only of the breadth of the problem. Long systematically reveals the extent of the inequities that hold the state in a seemingly inexorable grip with all the attendant undesirable social, economic, and political impacts — high costs of living, localism, lack of leadership, and gross inequities in the tax system.

Simmons confines her analysis to Hartford, the state capital. While it accounts for more than 30 percent of employment, only 23 percent of the people who work in Hartford live there. In 1980 it ranked as the fourth poorest city in the country, and although Hartford had "improved" its position to eighth poorest by 1990, the percentage of the population living in poverty actually increased by 28 percent. One-quarter of its residents were on AFDC, and 39 percent of its children were living in poverty; nationally, Hartford ranked second in both regards. Racial segregation is endemic. In 1990 Hartford's population was 36 percent Afro-American and 32 percent Hispanic. The neighboring thirty-seven towns in the Hartford Standard Metropolitan Statistical Area (SMSA) were more than 92 percent white.

The data cited here are not meant to portray Hartford, or Connecticut for that matter, as anomalies in our socioeconomic system. Rather, they are probably a lot more typical than we would like to believe, a manifestation of our own North/South economic and racial dichotomies, which go largely ignored and consequently unaddressed. Simmons

explores the way a coalition of progressive forces on the Hartford City Council tried to face these issues in the early nineties and demonstrates how, despite the core solidarity on the issues, the coalition was unable, for the main part, to meet the expectations of those who put it in office. She writes,

From 1991 to 1993 . . . an attempt at progressive governance by a multiracial coalition was fraught with difficulties. Tensions among progressives and among leadership from impoverished communities of color, responses of downtown interests and the media, fiscal crises and the unrelenting needs of the population, served to stymie redistributive efforts and led to electoral defeat.

Part of the problem was the manner in which interest groups of color, while united by the wretchedness of their circumstances, were unable to preserve their unity in the face of even marginal success — class and racial divisions operate at all levels. Competition for jobs, status, and resources among disempowered or newly empowered multiracial communities invariably plays havoc with their attempts to maintain a common front, and success in addressing some grievances often creates situations that generate new grievances and tensions that did not previously exist.

There is, of course, nothing dramatically new about this observation. What we should think more about, however, is the universality of the phenomenon and the policy implications and devastating impacts of the gross inequities in the distribution of income, wealth, and opportunity in the SMSAs of New York, Washington, D.C., Chicago, Los Angeles, and any other number of cities racially divided on social stability and the prospects for sustainable development at the local and international levels. In terms of maldistribution of income and concentration of wealth, Connecticut and South Africa are not all that dissimilar, the differences being of degree rather than of structure, and even the differences of degree are, in many regards, substantially less than we would like to believe and shocking when we put the disparities in the context of comparative levels of development. The Greater Johannesburg area, with a geography and socioeconomic landscape meticulously designed by apartheid, is not an awful lot different in terms of racial composition and income distribution from the major cities of the United States.

What sociologist Julius Wilson has to say, in *When Work Disappears: The World of the New Urban Poor*, about the collapse of the inner cities in the United States is as pertinent to Johannesburg as it is to Chicago. Indeed, in a paradoxical way, a township like Soweto — population three to four million — is more vibrant than the South Bronx or Central Los Angeles. The emergence of successful Afro-American/Hispanic middle classes in the latter led to “minority flight” as the better-off quickly abandoned the desperate straits of their ghettos in favor of the urban pastures beyond their prisonlike boundaries. Indeed, empowerment and the bettering of one’s position/condition in life were intimately equated with one’s ability to escape. Outward mobility was a measure of upward mobility. What was left was the detritus of these communities; bereft of their most resourceful, they became human scavenging grounds, hopelessness imploding upon itself — and we still wonder why the St. Petersburgs burn!

In contrast, there are many Sowetos in Soweto: the Soweto of black millionaires, the black upper-class Soweto, the middle-class Soweto, the lower-class black Soweto, the black impoverished Soweto, the black squatter camps, and the so-called informal settlements interspersed among all the Sowetos. What they all share in common is the stamp of the state’s apartheid-imposed blackness. With the ending of apartheid, black South

Africans with the resources — and there are many — and the burgeoning black professional and entrepreneurial classes that are emerging in the new South Africa are abandoning the Soweto of the old South Africa as soon as they can afford to, leaving behind them more impoverished, more homogeneously deprived, and more marginalized communities.

The point: differences that used to be considered in isolation can't be. We speak of the global village but have no inclination to walk its streets. The global village is not a sound bite; it is not about the instantaneousness of communication or the ubiquitous presence of *Dallas* or *Emergency 911* or *Seinfeld* or *Murphy Brown* or *Cosby* or Yankee baseball caps, or the Atlanta Olympics, or the preeminence of the Coca-Cola symbol, the universal symbol for a thirst more metaphorically implied than physically present.

The global village, global economy, and other forms of adverbial globalities have an all-purpose usefulness. In the symbolic sense and as sufficiently elegant mantras that require no exposition and less explanation, they convey a sense of pervasiveness that encourages a benign acceptance of the status quo; they encourage an egregious passivity rather than a willingness to reflect upon the paradox of the contradictions inherent in the juxtaposition of the two worlds; they elicit an unwillingness to define precisely what a village is, never mind the global dimensions of the undefined. We are subtly side-tracked, cajoled as it were, not to inquire into their content, never mind their meaning.

Guruism relies on snake poison rather than analysis: if Connecticut, the richest state in the richest country in the world, can't/won't address its structural problems of inequity and social injustice, if race remains a formidable barrier to advancement in a country that has at least made the occasional attempt to legislate the yardsticks for standards of equality of opportunity, what chance do the South Africas have, and beyond that the Mozambiques, Bangladeshes, Somalias, Sudans, and the hellholes that stretch across our globe, which are in fact the hallmark of our much-invoked global village?

The final two articles, "The Repeal of Rent Control in Cambridge" by Robert Moncreiff and "The Clean Water Act: Financing Combined Sewer Overflow Projects," by Clyde Barrow and William Hogan, deal with specific policy-related case studies. The former is a classic examination of citizen participation in the democratic process in action, how "ordinary folk" can use instruments such as the statewide initiative petition to take on, and in this instance defeat, what would appear to be a powerfully entrenched interest group, the deeply ideological, committed proponents of rent control in Cambridge, Massachusetts, a city with a legendary history of being on the cutting edge of the politically correct. Moncreiff's account of the campaign of a small group of citizens to repeal the rent control ordinance in Cambridge, which, one should add, had long ceased to serve the needs of the poor and elderly for whose benefit it was first enacted and had evolved into an entitlement program for middle- and upper-income tenants, is masterful. Its focus is on the innumerable legal obstacles, many cleverly disguised as "democratic" checks to the supposed unconstitutional havoc an enraged citizenry might wreak in a fit of antigovernment pique, that the state puts in the way of direct citizen participation in the legislative process.

Barrow and Hogan use the city of Fall River, Massachusetts, to demonstrate once again the unintended consequences of good intentions or, more accurately, poorly thought out intentions. In 1987 the U.S. Congress expanded the scope of the Clean Water Act to include combined sewer overflows (CSOs), despite the fact that it continued to reduce federal assistance for water pollution abatement, and despite the fact that CSO abatement is far more costly than previous water quality mandates. The result

is that many northeastern industrial cities are now subject to a federal mandate many of them cannot afford without extensive federal or state assistance, which is, of course, usually not forthcoming. Barrow and Hogan offer some remedial amendments to the Environmental Protection Agency's regulatory guidelines to ameliorate the fiscal impact on municipalities — but don't hold your breath. 21

Downsizing the Massachusetts Mental Health System

The Politics of Evasion

Richard A. Hogarty

For the past three decades the topic of the proper role of state mental hospitals has been vigorously debated as a major public policy issue in Massachusetts. The state has had two runs at hospital closings: the first between 1973 and 1981, when the deinstitutionalization policy flourished, the second between 1991 and 1993, when the privatization policy was developed. In making the case for this seismic shift, a governor's special commission concluded that the state had too many hospitals for too few patients at too high a cost. This study provides a detailed analysis of the problems that beset the Department of Mental Health when it sought to implement the hospital reduction strategy and restructure its service delivery system. From a practical perspective, it focuses on the closing phenomenon in general, and the closure of Metropolitan State Hospital in particular. Overall, the specific problems presented a formidable challenge that placed what appeared to be inordinate demands on the stakeholders involved — patients, families, providers, and advocates. The major emphasis is on mental health politics and the many participants who influence policy and programs. These experiences offer much to be understood by and transmitted to policymakers.

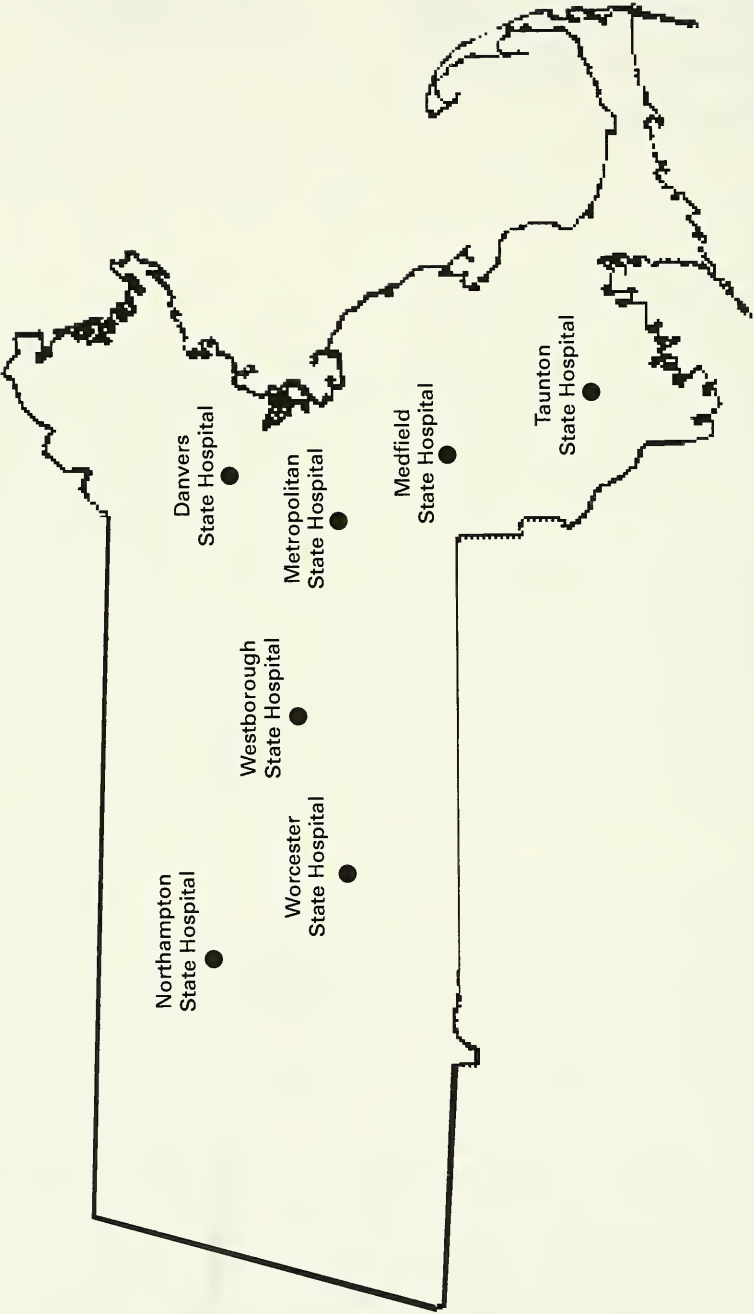
The Contending Forces

Public service bureaucracies like the Massachusetts Department of Mental Health (DMH) are notoriously cumbersome and inefficient. They often have to contend with powerful and well-organized public service employee unions, which drive up costs and complicate policy innovation and organizational change. Perhaps there is no better illustration of this phenomenon than the downsizing of the mental health care system. Between 1991 and 1993, the state closed three adult mental hospitals and a children's psychiatric center. Over the years the quality of treatment at these four institutions had steadily deteriorated. To be sure, the deliverers of mental health services had become unduly burdened by political and contractual obligations to organized groups. Mental health advocates and labor unions denounced these plans as schemes to destroy the social safety net of patients. Although the results of these changes were not altogether beneficial, they at least provided an alternative approach to the traditional way of doing things. This innovation, if still extremely controversial, broke the stranglehold of power that the contending forces maintained over the system.

Richard A. Hogarty, a senior fellow at the John W. McCormack Institute of Public Affairs and professor of political science, University of Massachusetts Boston, specializes in the politics of state and local government.

Figure 1

**Massachusetts State-operated Mental Health Hospitals
January 1991**



Mental illnesses are among the most devastating conditions in society. Severe mental disorders, such as schizophrenia and bipolar disorder, otherwise known as manic-depressive disorder, are incurable, incapacitating, and extremely difficult to treat. They cause incalculable suffering for patients and wreak havoc on their families. Those afflicted lose touch with reality. As Clea Simon puts it,

After all, mental illnesses by their nature involve a person's ability to think clearly and rationally. The mood, or affective disorders, such as bipolar, may produce extreme emotional states. The thought disorders, such as schizophrenia and other psychoses, may produce hallucinations and delusions.¹

During a psychiatric breakdown or full-blown psychosis, a person's whole world falls apart. Sometimes it ends tragically, in suicide.

Few social problems are more perplexing and intractable. Given the erratic and often unpredictable course of mental illness, the problems that accompany it do not lend themselves to simple solutions. Many troubled families find their lives disrupted and torn asunder. They wind up in dire straits; older parents particularly feel the effects of their own aging and wanting to see a mentally ill son or daughter restored to stability and living independently. It is essential to recognize that while mental illness can be treated, there is presently no cure. During the acute phase of illness, most patients require short-term intensive services in secure settings, usually locked hospital wards. This involves either voluntary or involuntary commitment.

In Massachusetts, with a population of nearly 6 million people, an estimated 44,730 adults are diagnosed with serious mental illness. With an annual budget of \$520 million for fiscal year 1996, the DMH service system is designed to accommodate 80,000 consumers. This beleaguered department has been a recurring managerial nightmare for Republican and Democratic administrations alike. Indeed, the agency has always been regarded as complicated to manage. Buffeted by changing social demographics and the competition for scarce resources, the state's mental health system has been vulnerable to underfunding and inadequate staffing for as long as anyone can remember. Forty years ago there were more than 23,000 patients in the custody of state-operated mental hospitals scattered around the commonwealth. Today, as a result of restructuring policies that were implemented during the early 1990s, the Bay State has about 1,280 beds of its own, plus another 1,250 beds in smaller units in independent hospitals and other facilities operated by publicly funded private-sector management under contract with DMH.

More than 165 years ago, Massachusetts led the nation in building a network of public asylums whose spacious outdoor campuses provided fresh air and a serene environment for the mentally ill. In their prime, these large congregate hospitals functioned best as an extended system. They responded to the needs of the insane, the aged infirm, the poor and disabled, and the dispossessed who could not afford proper medical care. With the passage of time, these facilities have become increasingly obsolete, outdated relics of a bygone era. Contributing to their obsolescence were the dramatic changes in psychiatry and community mental health programs that have taken place over the past forty years.

On closer inspection, mental health can be classified as a latent issue. A taboo topic that no one wants to talk about, it is the opposite of a hot-button issue. Mental hospitals are out of sight, and therefore out of the public's mind. From time to time hot-button

events do occur, but for the most part the problem receives little public attention, with which nobody wants to deal. Too often it falls prey to the politics of evasion.

There are essentially four contending forces at play here. First, mental health is a social problem whose complexities are routinely pushed aside. Without more knowledge about how to cure such illnesses, there may be no immediate resolution. Second, mental health care involves a changing technology that seeks to stabilize people, but because the adverse side effects of mind-altering drugs accompanies it, this new technology is not fully understood. Nor are the “miracle drugs” user-friendly, for they have potential benefits and risks. In handling this technology, doctors have been naïve about releasing patients from hospitals. Some who are deemed well enough to live in the community have proved to be a danger to themselves and others. This social disruption, plus the lack of tolerance for deviance in the larger society, explains why it takes so long for new programs to develop. Third, the bureaucracy and labor unions are entrenched forces that wield considerable power so that legislators and governors have been reluctant to take them on. Fourth, mental health advocates have made a significant impact on policy development. The rise of such activists as Ben Ricci, who first challenged the system in the early 1970s, have made their presence felt in Massachusetts. The primary mission of activists, who have engaged in the politics of public advocacy in order to combat the politics of evasion, has been to protect the rights of patients and to hold service providers more accountable. Because the varied rights are sometimes in conflict with one another, the interplay of these forces explains why change comes so hard. None of them operates in isolation, and they are contradictory and contentious. Understanding the ways in which they complement and counteract one another makes the hospital closings more comprehensible.

The Shift to Privatization

Hardly anything could have prepared the residents of Massachusetts, who had just experienced the prosperity of the so-called Massachusetts Miracle, for the economic and fiscal disasters that would befall them in the years between 1988 and 1992. As a prosperous economy faltered and then collapsed, the business community began to downsize and lay off employees. The high-tech and defense industries were especially hard hit. By the summer of 1990 the Bay State, like the rest of the nation, was in the midst of a full-blown recession turning into a depression. Banks failed, the savings and loan industry collapsed, investments turned sour, depositors lost their savings, retail sales slumped, housing construction declined, major industries went out of business, and unemployment rose to new heights. Chelsea's city government declared bankruptcy and was placed in receivership. Cries for downsizing were heard in both the public and private sectors.

The telltale signs that people were hurting were evident as early as 1986. State and local debt had doubled since 1980, and expenditures almost doubled in those six years. These events caused a serious decline in public revenues, which in turn led state officials to increase taxes and cut services. This intolerable situation produced enormous pressures to economize. The time of genuine reckoning was at hand. Faced with a fiscal crisis, the executive and legislative branches of state government were compelled to cut back on social services and welfare funding.

As the state's fiscal crisis deepened, the Democratic leaders on Beacon Hill began downsizing state government. Such a course of action was at odds with the spirit

of their party. Since the days of the New Deal, most of them had favored an active, involved role for government, particularly when it came to meeting the needs of low income families. Nevertheless, the Democrats made good on threats to slash the state budget. Beneath the majestic golden dome of the State House, which Charles Bulfinch had designed in 1798, they cut \$36 million from DMH's budget for fiscal year 1991, reducing it from \$497 million to \$461 million. They also reduced the authorization for assisted housing. The battle over these budget cuts was bitter and acrimonious.²

Under the pressure of fiscal deficits, antitax pressures, and the rising costs of human services, the Michael Dukakis lame duck administration began making drastic budget cuts, but they were not sufficient to cover the revenue shortfalls. The state constitution requires a governor to submit a balanced budget, but despite two consecutive billion-dollar tax increases, Massachusetts had a \$1.8 billion deficit when Dukakis left office. The state was on credit watch and its bond rating had sunk to almost that of a junk bond. All these events generated intense public anger, for many taxpayers believed that the politicians themselves were to blame for the state's fiscal problems. Public fury reached a boiling point during the 1990 elections.

In the primary election, which was only a warm-up for the main event, the two major parties selected gubernatorial candidates who ran as self-styled political outsiders. In the general election, Republican William Weld, a politician of patrician pedigree, was pitted against Democrat John Silber, the outspoken and controversial president of Boston University. It turned out to be a hotly contested and bitterly fought race in which the outcome remained very much in doubt until the end. The enraged voters had become increasingly distrustful and cynical of government.

A graduate of Harvard Law School and a former U.S. attorney in the Ronald Reagan administration, Weld was pro-choice and pro-gay rights, but he was a hardliner when it came to crime, spending, and taxes. In addition to his base of mainstream Republicans, Weld appealed primarily to women, gays, minorities, and disaffected Democrats. As the campaign wore on, he railed against big government and extolled the virtues of free enterprise and the workings of the marketplace. His disdain toward bureaucracy was vitriolic. At one point, he derisively referred to state employees as walruses, a comment that did not endear him to this constituency. Privatization, reinventing government, and total quality management were the popular buzzwords of the day. Ideologically a freewheeling libertarian, Weld promised the voters no new taxes. This popularly understandable rhetoric quickly translated into a politically viable philosophy that was shrewdly attuned to the temper of the times. In the closing days of the campaign, Silber seemed to stumble. Strident and contentious as ever, he bungled a television interview with Natalie Jacobson, which cost him dearly. In the end, Weld narrowly defeated Silber, the women's vote carrying him to victory.

Pressures on the newly elected governor — the head of the first Republican administration in more than sixteen years — to overcome past tradition and cut through the complexities to a prompt solution of the budget deficit were strong. Given the prevailing skepticism about the fiscal capacity of state government, the impulse to "privatize" was almost irresistible. Vigorous gubernatorial action would be possible under these circumstances. Fresh from the campaign, Weld called on state administrators to privatize functions wherever they believed such action would save money or improve services. He moved aggressively to gain control of a recalcitrant bureaucracy and to reduce the large deficit he had inherited. Dukakis holdovers, who were plentiful, departed only with the greatest reluctance, compounding the atmosphere of distrust and deceit. Per-

sualed as to the policy utility of privatization, Weld eagerly embraced public-choice economics as a substitute for institutional development. His was a minimalist approach to government. As a deliberate strategy, Weld sought to reduce the size of state government, comprising 72,000 employees. These were trends thoroughly consistent with the governor's temperament and philosophy.

For more than a decade the state's human services budget had been growing at an alarming rate. Because of its legislators' liberal commitment toward the poor and needy, Massachusetts spent more money on human services than any state except New York. Unfortunately, at the very time when the demand for these services was steadily increasing, the commonwealth was losing the economic capacity to finance them. A disproportionate share of the mental health budget went toward financing its outmoded and antiquated hospitals. By 1991 the annual average cost of caring for a mental patient in a state hospital was \$120,000. To put it more strongly, 6 percent of DMH consumers were using 47 percent of its resources. Although more than 750 inpatients were ready to be discharged, they could not be placed in the community for lack of assisted housing. As of January 1991, the adult inpatient census at all DMH facilities — seven state hospitals and eight community mental health centers — was 2,021.

As secretary of the executive office of Health and Human Services, Governor Weld appointed David Forsberg, who had formerly headed the regional office of the U.S. Department of Housing and Urban Development. Even before Weld was inaugurated, the immediate focus of his principal economic advisers was to bring the fiscal crisis under control. They proposed doing so by imposing effective cost containment measures that would harness the so-called budget busters, identified as Medicaid, debt service, pensions, group health insurance, and the Metropolitan Bay Transportation Authority. It was these big-ticket items that caught the public eye. There were no magic elixirs to resolve the perplexing issues that Weld chose to tackle. Alarms were sounded from various quarters in the spring of 1990. The gap between public revenues and expenditures had been documented in a report published by the McCormack Institute, which analyzed the state's fiscal crisis and sent warning signals of trouble ahead.³

Responding to this crisis, the Republican governor placed a cap on spiraling debt service costs that limited capital spending over the next five years to \$4.5 billion. Weld refused to borrow money to cover the deficit. He refinanced the outstanding debt and spread it out over a longer period of time and threatened to veto any tax increases. By adopting such a strategy, the governor had put the legislature in a box. It was a well executed political squeeze play.

Over and beyond this, the Weld administration discovered how to milk the federal cash cow by way of reimbursements. In 1991 Kathy Betts, an obscure state employee, spotted a loophole in the Medicaid regulations. The provision was originally designed to reimburse hospitals that treat a disproportionate share of poor people, but almost every state discovered its dual use as a means of financing other projects. The result was a \$500-million windfall for Massachusetts, an instant remedy for its fiscal crisis. The official clinical rationale for closing the mental hospitals was that patients do better in community settings. But the fiscal rationale was even more compelling. Although Medicaid did not cover mental patients in state institutions, it paid half the costs for patients in community care. The yield was \$21 million a year in federal funds.

The overall strategy called for the purchase of service contracts. Packaged under the policy tag "public managed care," the DMH program consisted of five components: (1) closing state hospitals through privatization; (2) moving more resources into the

community; (3) developing a comprehensive community support system model; (4) creating an infrastructure for quality and utilization management and; (5) integrating the dual systems of care that existed between the Department of Mental Health and the Division of Medical Assistance (Medicaid). These sweeping policy changes, which were introduced by the newly appointed commissioner, Eileen Elias, shifted much of the burden for mental health care from the state to private management. Hindsight was to reveal that the length of public hospital stays was substantially shortened, and the number of institutionalized patients was sharply reduced, from 2,330 to 1,160. Contracting with private agencies to provide services formerly supplied by state government was not exactly a new idea. Since the 1960s, services had been increasingly provided by private, not-for-profit agencies under government supervision. What was new, of course, was shifting the locus of service delivery to private enterprise.

Central to the policies then being fashioned were two recent changes in state law that signaled a move toward privatization. The first, a statute passed in 1987 (Chapter 167), authorized the creation of psychiatric units in private or general hospitals. The second, legislation passed in 1990 (Chapter 150), authorized Medicaid to implement a managed care program for recipients. The economic theory behind managed care was to move people out of high-cost institutional settings. Chapter 167 allowed the state to share the cost of mental health care with third-party payers by transferring Medicaid patients out of ineligible hospitals and into reimbursable acute-care facilities. The hospital financing law was due to expire in October 1991 and its renewal was regarded as problematic. Subsequently, new hospital financing legislation reduced regulatory requirements and created opportunities for selective contracting with health care providers. This legislation was particularly helpful in removing barriers to caring for patients with long-term serious mental illness in private or general hospitals.

His alert sense of these trends shaped the strategy of Governor Weld, who described himself as a social liberal and a fiscal conservative. On February 26, 1991, as the pressures of office descended on him, he appointed a seventeen-member special commission to study the problem of state-operated hospitals. This blue-ribbon commission was comprised of four state legislators, two Democrats and two Republicans, a labor union official, a family member, six experts on health care and housing policy, three agency commissioners, and two cabinet secretaries. It was stacked in the sense that most of its members were favorably disposed toward shifting care for persons with disabilities from large state institutions to private community-based organizations, hospitals, and nursing homes. Their work began immediately under the direction of David Forsberg, who served as chair. He was assisted by his able deputy, Charles Baker, who chaired a working subgroup of state employees. As the point men for the Weld administration, Forsberg and Baker worked well together. A politically savvy administrator, Forsberg possessed well-honed political skills, while Baker, who had come over from the Pioneer Institute, a conservative think tank, was a good number cruncher and a superb technician.

With a specific focus and genuine political clout among its members, the commission moved at a rapid pace. In whirlwind fashion, they took their show on the road and inspected most state health facilities. This tour de force consisted of thirty-one site visits and fifteen hours of public hearings that were held in various parts of the state. The commission spent numerous hours deliberating and studying background materials. Based on their work, they found among other things that the state had a shrinking patient population and an excess capacity of hospital beds.

The nature and extent of this problem were clearly outlined in their report.

The Commonwealth's inpatient facilities system, which was built to accommodate over 35,000 individuals at its peak, today cares for 6,200 clients. Encompassing some 10,500 acres and over 1,000 buildings, stretched over 34 campuses, the inpatient system is grossly oversized for the number of people in its care. Moreover, of those 6,200 individuals receiving care in institutions, at least 2,200 would be more appropriately cared for in community-based settings. Today, the state's inpatient facilities, which do fill an important need for very specific kinds of clients, would be appropriately sized with capacity to care for 4,000 clients.⁴

A spirit of open inquiry prevailed among the commission members. Much of their deliberation focused on the impact of federal aid and what the states were able to do with it. The major problem was how to maximize federal reimbursements for mental hospitals. Only those patients twenty-one years of age and under and sixty-five years of age and over were eligible for Medicaid reimbursement. Conversely, those between the ages of twenty-two and sixty-four were ineligible. Commission members recognized the trend that national mental health care was moving toward a noninstitutional approach. After crisis intervention and acute care had been rendered, the integration of community services was viewed as a better solution than restricted institutional care. In shifting to such an approach, the trick was to separate housing needs from treatment needs. Clients could not obtain Medicaid money for housing except through waivers. Drawing on their experience in the housing field, both chairman David Forsburg and Eleanor White, who served as deputy director of the Massachusetts Housing Finance Agency, played a critical role in reminding their fellow commission members of considerations that they might otherwise have ignored. The recent crash in the real estate market made it easy for clients to obtain assisted housing. For his part, Charles Baker knew how to access housing that was not treatment oriented. New federal and state laws made it illegal to discriminate against the mentally disabled.⁵

Four months later, on June 19, 1991, the governor's special commission released its report "Actions for Quality Care." Charged to develop a specific plan, it concluded that a systemwide solution was warranted. Devising what it termed a "right-sizing" hospital reduction strategy, the commission recommended closing nine of thirty-four inpatient facilities over a three-year period with patients being moved either to the community or to public or private hospitals. Among those facilities recommended for closing were three adult mental hospitals, three public health hospitals, and three schools for the mentally retarded. Describing community-based services as "highly desirable, highly effective, and less expensive than institutional care," the commission also called for the development of 2,000 new community residential placements and associated community support programs (700 of these specifically targeted for persons with mental illness). In addition, it recommended that 300 new general hospital acute-care beds and 200 new long-term-care nursing home beds be created for former state hospital patients.

As a sign that it was operating in good faith, the commission explicitly acknowledged the failures of past efforts to deinstitutionalize clients and therefore promised that no patient would be moved from a state facility slated for closure until an "equal or better" alternative care setting was available.⁶ The commission estimated that its recommendations would save the state approximately \$60 million in annual operating costs and another \$144 million in capital avoidance, which would not have to be spent to

bring antiquated facilities up to the standards of the Joint Commission on Accreditation of Healthcare Organizations and the Health Care Finance Administration.

This was not a policy brought forward by overwhelming popular demand. Activists and mental health professionals had talked about it for years, but no political groundswell existed in its behalf. In the fall of 1990 the Massachusetts Association for Mental Health had published a working paper suggesting that three state hospitals — Danvers, Metropolitan State, and Northampton — were prime candidates for closure. According to Bernard Carey, the executive director, the intent of the group was to give this paper to the winner of the gubernatorial election.⁷ Interestingly enough, these were the same three hospitals that the governor's special commission put on the closing block.

Before the Department of Mental Health could close any of its hospitals, Governor Weld first had to accept the commission's recommendations. Barriers to policy implementation, such as collective bargaining agreements, stood in the way of executive action. Closing underused hospitals would prove to be very difficult politically. Previous administrations had been either unwilling or unable to take on the legislature and the powerful state employee unions. Stimulated by the work of the governor's commission and given the green light by Weld, DMH quickly moved to close three of its seven remaining adult hospitals and Gaebler, its one children's hospital. All signals remained on go. Much like the military base closings on the national level, it was a change process not without pain and considerable conflict.

From a political standpoint, the governor's special commission had the practical effect of shifting the locus of decision making. As such, it provided a convenient buffer for Weld. A bipartisan consensus existed among the four state legislators who served on the commission. Democrats Edward Burke and Barbara Gray and Republicans Arthur Chase and Edward Teague voted in favor of the plan. The only negative vote was cast by Laura Spenser of the American Federation of State, County, and Municipal Employees Council 93, who represented organized labor. Taking a strong stand against privatization and the laying off of state employees, she filed a minority report.

Among those hospitals placed on the hit list of recommended closings was Metropolitan State, where a planned phasedown from 400 to 120 patients was already well under way. The two other adult mental hospitals scheduled to be closed were Danvers and Northampton. Selection of these three institutions was based mainly on the grounds of their inefficiency, costliness, and underutilization. Beyond these criteria, all three were situated in areas where there was a large provider base and private hospitals could handle acute care. Finally, their closure was deemed politically feasible.⁸

The downsizing of Metropolitan State predated Weld's appointment of Eileen Elias as mental health commissioner in June of 1991. The governor was eager to appoint women to high-level positions. Elias replaced Henry Tomes, a holdover Dukakis appointee, who had resigned a month earlier. Before coming to Massachusetts, Elias had worked for twenty-five years as a psychiatric rehabilitation counselor in both the private and public sectors. She had recently served as area director on Cape Cod and the off-shore islands. Not only was she the first woman commissioner in a state renowned for its entrenched old-boy political network, but she was even more of an outsider in that she originated from Philadelphia and New Jersey. Furthermore, she had no formal connections to the prestigious Boston area academic institutions that exercised considerable influence in the state's mental health arena.⁹

In response to the agenda for change mandated by the Weld administration and her own reform vision, Elias worked with people from across the state, developing and

Time Line and Events

1990

November Adolescent unit transferred to Somerville Hospital.
 November 5 Central Middlesex admissions diverted to Westborough State Hospital.
 December 17 R1 closed.

1991

January 2 Tri-City (TC) admissions diverted to Danvers State Hospital and private facilities; two patients transferred to Worcester State Hospital; Cambridge/Somerville (C/S) admission remained; cost funded through June 1991.
 January 2–10 Fourteen patients transferred to Westborough State Hospital.
 January 16 One patient transferred to Lindemann Mental Health Center.
 January 29 One patient transferred to Worcester State Hospital; Commissioner Tomes meets with interested families at Kline Hall.
 February 4–12 Four patients transferred to Worcester State Hospital; twenty-four patients transferred to Westborough State Hospital.
 February 5 R4 closed.
 February 11 B1 closed.
 February 15 One patient transferred to Farren Care Center.
 February 16 Shuttle service to Worcester and Westborough State hospitals commenced.
 February 20 Two patients transferred to Westborough State Hospital.
 February 27 Two patients transferred to Worcester State Hospital.
 March 13 Three patients transferred to Westborough.
 March 20 Two patients transferred to Westborough.
 April 2 Five patients transferred to Westborough.
 April 4–9 Four patients transferred to Worcester.
 April 1–15 Pierson Road (C/S) residence opened for eight patients; Saugus House residence opened for eight patients; Woburn House residence opened for eight patients; Banks Street, Waltham, residence opened for eight patients.
 April 17 Three patients transferred to Westborough.
 April 23–29 Hammond Street residence (C/S) opened for eight patients; on-grounds Residence I opened for six patients; Watertown apartment opened for four patients.
 May 2 Semrad Unit shut with closing of D1 and A2.
 May 9 Maynard House opened for ten patients.
 May 21 One patient transferred to Worcester.
 May 30 Watertown apartment opened for four patients; one patient transferred to Worcester.
 June 6 One patient transferred to Westborough.
 June 20 Commissioner Elias announced the closing of Metropolitan State Hospital to families and staff.
 July 3 Danvers cottage opened for four patients.
 September 3 Admissions service moved to R1.
 September 24 Cambridge Hospital temporarily relocated Cahill 4 to R2.
 November 6 Magazine Street opened for ten C/S patients.
 November 13–20 Five patients transferred to Danvers.
 November 15 McLaughlin House opened for six central Middlesex patients.
 November 20 Marguerite Terrace opened for twelve central Middlesex patients.
 November 21–25 Three T/C patients discharged to existing community residences.
 December 3–5 Ten patients transferred to Westborough.
 December 5–10 Five patients transferred to Danvers; C/S opened apartments for twenty-four patients.
 December 10 Four patients transferred to Westborough.
 December 16–30 Burke Unit shut with closing of ME2.
 December 10–30 Seventeen patients transferred to Medfield State Hospital.
 December 28 C/S Unit shut with closing of M&S2.

1992

January 31 Metropolitan State Hospital officially closed.

articulating the vision of change and challenging them to work with her to develop a blueprint for improving the system. Her concept was based on principles of consumer empowerment, community-based organized systems of care, flexible use of resources, protection of the local service system and accountability. But these principles carried consequences that, unless anticipated and managed, ensured policy disasters. Feisty and determined, Elias fought hard to achieve her goals.

Dr. Annette Hanson, a psychiatrist who came from the private sector, was named deputy commissioner for clinical and professional services. By law, the department's second in command is required to be a board-certified psychiatrist if the commissioner is not. They were assisted by general counsel Jennifer Wilcox and two other deputy commissioners — Valerie Fletcher in charge of program operations and John Ford in charge of budget and finance. This team was responsible for implementing the recommendations of the governor's special commission.

These hospital closings, so painfully generated, aroused intense opposition. Hostility to the plan was concentrated in those areas where the targeted hospitals were located. The battle to keep them open was fought by those most directly threatened and most capable of effective defense and counterattack. They included adversely affected special interest groups such as the Massachusetts Alliance for the Mentally Ill and the American Federation of State, County, and Municipal Employees. Encompassing thirty-four local chapters across the state, the alliance is a grassroots family advocacy organization whose main purpose is to lobby on behalf of relatively powerless people. In addition, Governor Weld received a petition signed by more than 5,000 citizens urging him not to close the facilities.¹⁰

Undeterred by this opposition, Weld remained firmly committed to his restructuring initiatives. Emboldened by his commission's plan and convinced that it would result in a substantial reduction of public spending, the governor forged ahead. At a press conference, he declared, "While the top priority of the special commission is client care, their recommendations will result in tremendous savings to the Commonwealth."¹¹ Even so, DMH administrators first had to close the hospitals before any savings could be realized. Operating with money from a reserve account, they encountered the problem of how to free up existing resources for community services while keeping the hospitals open until they could be emptied. This was a formidable task.

By the end of January 1992, DMH had closed Metropolitan State Hospital, which was then the largest public mental hospital in Massachusetts. With a 412-bed capacity, it served twenty-three communities located within the greater Boston metropolitan region. Five months later, in June 1992, Danvers State Hospital, which serviced the northeastern region with 155 beds, was closed. As a subsequent recommendation of the governor's commission, the Gaebler Children's Center, which housed 56 emotionally disturbed children under the age of fourteen, was closed in September 1992.

But already a reaction was setting in. Northampton was the only state hospital in the hinterland of western Massachusetts. It housed 145 patients and operated under a court-ordered consent decree. The legislative delegation from this region was strongly opposed to its closing, fearing the prospect of losing a major business that would have a negative impact on the local economy. It therefore gave Commissioner Elias an exceedingly hard time and tried to persuade her to change her mind. Despite these strenuous objections, Northampton was closed on August 26, 1993.

Because of the perceived benefits of privatization, the Weld initiative prevailed. It had considerable appeal. The fact that the general public was angry with state govern-

ment fueled support for Weld's program. Public opinion polls indicated as much. A poll conducted by the Becker Institute in 1993 showed that 53 percent of those surveyed approved of privatization, while 39 percent were opposed to it. A similar poll commissioned by the *Boston Globe* showed a favorable rating of 45 percent and an unfavorable rating of 33 percent.¹²

The trade-offs between political ideology and political reality are always tricky, whether played out nationally or at the state and local levels. This restructuring program proved to be no exception. According to the figures released by the governor's special commission, it estimated that closing the three adult mental hospitals would save the state \$36.94 million annually in net operating expenses and another \$40.03 million in capital costs. Considering Metropolitan State Hospital by itself, they estimated that its closure would result in operating savings of \$12.93 million annually and \$16.78 million in capital savings.¹³

These cost-benefit arguments did not sway those who believed that the proposed hospital closings would forever preclude a safety net for the mentally ill. Skeptics questioned the accuracy of these figures. Despite their differences in numbers, most of the money saved was reallocated to financing a wide array of community services, facilitating greater patient access, and expanding appropriate care options. Mental health professionals considered this method of residential care more cost-effective and less stigmatizing than institutional care. A similar managed care approach, aimed at reducing Medicaid expenditures, was evident in public welfare. With this goal in mind, the Division of Medical Assistance contracted with Mental Health Management of America, a private vendor, to deliver mental health and substance-abuse services to Medicaid recipients. These were fundamental shifts in conventional definitions of mission, in development of resources, financial and human, and in the physical siting of mental health services. Case management, however, was not privatized. All in all, it represented a major restructuring of the mental health care system in Massachusetts.

Not surprisingly, labor unions strongly opposed the hospital reduction policy, arguing that closures would significantly worsen the intolerable situation of hundreds of state workers already laid off owing to severe budget cuts. Furthermore, they argued that increasing privatization of the mental health system would lead to disparities in the quality of services for the profoundly mentally ill. In late 1991 the Service Employees International Union Local 509 filed suit against the Weld administration, charging it with illegally implementing privatization of the mental health system. The suit accused state officials of illegally laying off more than 800 state employees who worked in private agencies. Many of the discharged state workers were then rehired by private providers, but at lower wage and benefit rates. Although the litigation was unsuccessful, the unions continued their efforts to roll back state privatization policies.

The political fallout from the closings made most state legislators unhappy. Weld's restructuring program was anathema to Democrats on Beacon Hill, who, by the end of 1993, mounted a concerted counterattack. The Senate Committee on Post Audit and Oversight criticized DMH for not having enough private hospital beds available before closing Northampton.¹⁴ The House Committee on Post Audit and Oversight, chaired by Democrat William Nagle of Northampton, was even more critical. In December 1993 state senator Marc Pacheco, a Democrat of Taunton, introduced legislation that prohibited a state agency from privatizing services unless it could prove a minimum saving of 10 percent of its costs. Pacheco feared that Taunton State Hospital, which was located in his legislative district, would be the next one closed. Pacheco's "antiprivatization" bill

was vetoed by Governor Weld, but the Democrats mustered the necessary two-thirds vote in each house to override his veto, and it became law. In July 1994 the irate lawmakers overrode another gubernatorial veto of a legislative rider attached to an “outside section” of the budget that prohibited the closing of any more state hospitals.

Framing the Issue: Why Close Metropolitan State?

This study focuses on the impact of the consolidation and transfer of services at Metropolitan State Hospital as a point of departure. The episode raised several hard questions that did not yield easy answers. Why such a major change? What would happen to the clients in its custody? Where would they go? Could they be transferred to alternative hospital facilities or community group homes without jeopardizing their health and safety? Could the Department of Mental Health protect the safety of the larger society and the rights of the mentally ill at the same time? What would happen to the clinical treatment staff and other hospital personnel who faced imminent layoffs? Could they find jobs elsewhere in the system?

These questions of public policy and public management and their ramifications have been debated with increasing fervor for the past thirty years. They found their origins in the policy option of deinstitutionalization, which resulted in the wholesale discharge of patients that started in the sixties and continued throughout the seventies. This controversial reform exposed the cracks in the system, which in turn led to the first round of hospital closings in the mid-1970s. The following sections summarize the painful history of these efforts and the mistakes that were made along the way. Acknowledging the embarrassing failures of deinstitutionalization, one must ask the obvious questions, Why again? Why now? If this strategy failed then, what made the policymakers think that it would succeed this time? What was the critical difference? As discussed later, these are developments worth examining.

Opened in 1929 on the eve of the Great Depression, Met State, as it was popularly known, had been in operation for sixty-three years. During this extended period it had provided both acute and long-term care for patients suffering from various mental and personality disorders. Over the years thousands upon thousands of patients had been treated there on their road to recovery or stability. Most referrals originated with families who found themselves unable to cope with the bizarre and erratic behavior of a troubled member. The hospital admitted people from three of DMH’s nine catchment areas. These included the Cambridge-Somerville area; the Beaverbrook-Concord – Mystic Valley area; and the Tri-City area, which encompassed the cities of Everett, Malden, and Medford.

As it happened, the quality of care at Met State in the late 1980s left much to be desired. Most of its patients suffered severe mental illnesses ranging from paranoid schizophrenia to bipolar disorder. Some of these illnesses are associated with chemical changes in the brain, which caused their victims to lose touch with reality. Theirs was a world haunted by failed treatments and fearful delusions and hallucinations. Those who suffered psychotic relapses returned to the hospital for repeated commitments. The recidivism rate was fairly high. The most costly aspect of mental health is hospitalization — the average cost per patient per year at Met State in 1991 was \$98,500. By marked contrast, a similar stay at a community setting cost, on average, \$55,000 per client, which included residential, day, and support services.¹⁵

In carrying out its responsibilities, Met State was plagued by numerous problems.

Client concerns that had been so troubling to so many were legendary, serious care deficiencies and staffing shortages being among the most prevalent.¹⁶ This led to many reports of abuses, for example, individuals being misdiagnosed or overdressed and neglected in back wards. The factors accounting for these problems were both episodic and long term. After beginning with high hopes and large budgetary outlays, Met State prospered in its early years. Before long it encountered financial problems and found itself continually underfunded and understaffed. Year after year it experienced successive expansions and contractions of public and political support. This pattern of unstable funding explains in large measure why the hospital declined. Indeed, it was no stranger to cycles of reform and retrenchment, nor was it spared from sordid scandal, corruption, and incompetence. For better or worse, it had weathered these storms and withstood the passage of time and change. By 1991 it had become a remnant of a bygone era when bigger and better hospitals were seen as the only viable option for the mentally sick.

The decision to close Metropolitan State was based largely on the worn-out condition of its buildings, their replacement value, maintenance, and capital funding, and their physical and functional obsolescence. In short, this sprawling hospital complex was underutilized and too expensive to operate. Another consideration was the excess capacity of private hospitals in the local area. Adopting conventional cost-benefit analysis and long established criteria used in hospital consolidations and mergers, the governor's special commission concluded that Met State lacked an appropriate "physical environment." It politely explained its rationale this way:

The Metropolitan campus was built in two groups of buildings. The buildings are in fair condition but are inappropriately built for today's health care standards. The layouts add to inefficient operating costs for staffing, energy, security, communications, and maintenance. The site utility structures and power plant are original and need significant repairs/rebuilding. Estimates to rebuild the newer portion of the campus for 120 institutional beds and 80 transitional beds approaches \$17 million . . . These funds would be more appropriately invested in community programs and other state facilities.¹⁷

Clearly, Met State was one of the most inefficient and least cost-effective hospitals in the system. At this point it had become a proverbial white elephant. Like a rusty old battleship about to be withdrawn from active service, this imposing hospital facility was ready to be decommissioned and mothballed. From start to finish, the two-stage decommissioning process took fourteen months to complete. The initial phasedown took place during the eight months from November 1990 to June 1991. The second stage began shortly thereafter and concluded when Marylou Sudders, its chief operating officer, closed its doors on January 31, 1992. In truth, the decision to close Met State had been in the works for some time. It was implicitly made by Dukakis and explicitly affirmed by Weld. In retrospect, there was not much question about closing Met State at this juncture. Considering the downsizing that was already taking place, the hospital was on its way out by the time Weld assumed power.

With Met State's continued existence threatened, its 827 employees were confused and outraged at this turn of events. They were not only afraid of losing their jobs, but they also displayed a human anxiety that was deeply rooted in individual self-worth. Worried employees asked each other, "What will happen to us once the hospital is shut down? Will we lose our jobs and have to go on unemployment? Or can we exercise our bumping rights and get transferred to other state hospitals?" The closing evoked deep emotions that ranged from fear of the new to maintaining things as they are.

Unwilling to see Met State expire, they engaged in a power struggle for institutional survival. Like their counterparts at Danvers and Northampton, who faced a similar predicament, they fought hard to keep the hospital open. Reluctance and resistance to change was extraordinary, especially when imposed from outside.

Patients and their families were even more upset. After all, they had the most to lose. The families feared that their relatives would lose their social safety net. Not only that, the sudden modification of conditions disrupted the normal routine of patients. It meant breaking up their social networks and the continuity of their clinical treatment that was an integral part of their support system. Closing the hospital caused severe hardship and required adjustments for all parties involved. The whole episode provided a compelling example of organizational change in a volatile environment.

Trying to anticipate the consequences of their actions proved especially important to the administrators. They sensed the probable organizational impact and understood that it would cause much pain and anxiety. Consequently, they devised strategies to help the affected stakeholders cope with their losses, both real and imagined. Most important of all, they wanted to maintain the clinical integrity of the process. Related to this, and a matter that sharpened each of the issues they faced, was the complexity of transferring patients to alternative care facilities without compromising their health and safety. For many this involved moving from a restrictive setting to a less restrictive one. It was an enormously complicated task that was fraught with risk as well as the uncertainties and complexities inherent in organizational reality. A few months beforehand, a class-action lawsuit had been filed by lawyers who sought to protect the basic civil rights of patients. This raised the question of whether cooperation among the parties involved in the closure process could flourish or whether the arena was destined to be adversarial.

As principal participants reconstruct the Metropolitan State case, the community involvement was extensive. It included consumers, families, employees, trustees, and advocates. After stubborn resistance at the outset, all parties eventually signed on in advance of the closing. But this appearance of cooperation on the part of both labor and management did not come easy. The administrators had to invent new ways of allowing the various stakeholders to participate in the planning and decision-making processes that affected their lives so deeply. To acknowledge sharply divergent views, mutual accommodations and adjustments were the order of the day. They all showed genuine respect and sympathy for the patients.

Ultimately, it was this sense of shared purpose that made it possible for them to work closely together. Labor relations in the past had left much to be desired, both as a process and as an impediment to new policies. The failure of past attempts to create a viable framework for talks was attributable to the lack of trust and credibility on both sides. For starters, DMH placed a hiring freeze on all job vacancies and promised to give Metropolitan State employees the first crack at them. The major negotiations among the nine public employee unions and the senior management team took place at the hospital site in Waltham. Specific grievances were handled at the Office of Employee Relations in Boston. In conjunction with state employee unions, DMH set up an Office of Competitive Bidding to assist employees in bidding on contracted work. What emerged was a policy process that mixed outside and inside participation.

Herbert Kaufman has identified three internal reasons why organizations resist change. First, there are almost always contradictory judgments made by the members of an organization as to whether the change is necessary. Second, ineffective deci-

sion making processes usually obtain. Third, the implementation of new directions is imperfect — slippage between decision and action occurs because the instructions are likely to be ambiguous or impractical or require that members cease what they are accustomed to doing and do something different.¹⁸

Reinforcing Kaufman's explanation of organizational resistance to change is the theory of escalating commitment to the status quo. Institutional officials, employees, and constituency groups become so emotionally, intellectually, financially, and structurally committed to an ongoing pattern of behavior that they inevitably find themselves buried "knee deep in the big muddy."¹⁹ This resistance to change is intensified when an individual or group perceives itself as personally responsible for an action or outcome so that stubbornness compounds formal commitment and informal lethargy. Furthermore, civil service rules and collective bargaining agreements make it extremely difficult to terminate state employees.

All these factors were present in one form or another and in varying degrees in the closing of Met State. Failure to consider them promised a recipe for disaster. The well-organized state employee unions wielded substantial power as did the medical clinicians, who saw their authority and professional turf on the line. The full range of contending forces was felt. For the most part, the administrators anticipated the resistance and dealt with it as sensibly and expeditiously as possible. They had to manage a different and more demanding organizational change. For them, knowledge of how a mixed version of headquarters-field and site-based organizations work was essential to achieving their goals. They realized early on that if not handled properly, layoffs and employee bumping rights could prove disastrous. The same was true with regard to the legal implications of the transfer of each client. The whole operation could easily have become unraveled if they had gotten tied up in adversarial litigation and time-consuming court delays.

Sifting through the evidence, one comes away generally impressed with the orderly and efficient manner in which Met State was closed. Although not all the participants and observers will agree with this general conclusion, the plain fact is that the closure was implemented with considerable success. Critics, like Philip Johnston, who served as secretary of human services under Governor Dukakis, charged that the hospital closings were entirely budget driven and had nothing to do with mental health. As he saw it, the outcome was the direct result of a coalition of strange political bedfellows, including the budget cutters and antihospital ideologues.²⁰ Other critics complained vociferously that many patients were transferred to facilities that did not provide the "equal or better" settings they had originally been promised.

As far as the media were concerned, the partisan *Boston Globe* directed the most fire at DMH in general and Commissioner Elias in particular. The agency also took a pounding from other media observers. Perhaps the most searing criticism was leveled by Mark Lecesce, the political editor of the *Boston Tab*. In an article titled "Too Much, Too Fast," he wrote:

The Weld administration has spent three years closing state mental hospitals and farming out services to private contractors. It has cut the number of long-term patients in state mental hospitals nearly in half, and the toll on the mentally ill, especially children, has begun to show.²¹

Coupled with this barrage of criticism was the accusation that privatization amounted

to union busting and that Weld was hostile toward state employees. These explanations have some merit, yet they are not entirely convincing. Whatever the variance in opinions and perceptions, few informed observers could quarrel with the key fact that the Met State closing did work. It was a bold stroke well executed. Community involvement was as pivotal at Met State as it was at Danvers and Northampton.

What follows then, drawn from imperfect documentation and even more imperfect memory, is a plausible but not definitive reconstruction of the rise and fall of Metropolitan State Hospital. It traces the evolution of the mental health system in Massachusetts in terms of both history and policy. Successive sections characterize the economic and political environment in which the demise of the hospital took place. They treat the clinical, legal, human resources, and labor-relations constraints involved, as well as the political and personal agendas that influenced the decision. The last sections suggest reflectively what lessons there are for today. But the reader must remember that these conclusions are those of a political scientist, not a mental health professional.

The Policy Process and Bureaucratic Setting

In elaborating on the key features of the Massachusetts mental health care system, one observes that the bureaucracy is far more a life unto itself than even Max Weber imagined. In policy and organizational terms, it clearly qualifies as a complex system. Over time, the Department of Mental Health has evolved into an agency that sets policy and oversees program development. The state is the sole mental health authority, for there is no local or county mental health control as exists in other states. The central actors in DMH policymaking — politicians, administrators, and medical experts — provide most of the ideas for most of the strategy in the various phases of the process. It also features the involvement of the private sector in what is now known as public-private partnership. These attributes are on the rise.

While the DMH bureaucracy has a life of its own, it no longer operates as an autonomous line agency reporting directly to the governor as it once previously did. Thus, it has limited agency discretion. The statutory mission of DMH is broadly defined “to provide for services to citizens with long-term or serious mental illness, early and ongoing treatment of mental illness, and research into the causes of mental illness.” The department also assumes responsibility for providing emergency services to adults, children, and adolescents who experience a psychiatric crisis and request assistance.

Back in April 1971, Governor Francis Sargent reorganized the executive branch of Massachusetts state government, creating a new super agency known as the Executive Office of Human Services. DMH, which was then responsible for both the mentally retarded and the mentally ill, was placed under its jurisdiction and budgetary control. As a result of this reorganization, the commissioner of mental health reports to the governor through the secretary of human services. To make things more complicated, mental health advocates, who tend to be adversarial, began using legal means to challenge the way in which DMH administered its facilities.

In 1972, Benjamin Ricci, an activist from Amherst, filed a class-action lawsuit against the department on behalf of a group of clients at the state school for the mentally retarded in Belchertown who were subjected to dreadful living conditions. The case of *Ricci v. Greenblatt* triggered other lawsuits that sought to hold DMH accountable for its alleged neglect and mistreatment of clients. Since the civil rights of the patients were involved, this litigation wound up in federal district court, where it was assigned to

federal judge Joseph Tauro. Subsuming all these issues under a consent decree, Tauro ordered certain improvements to be made at these institutions. Subsequently, in 1986, DMH was split into two separate agencies. The legislature created a new Department of Mental Retardation, which necessitated a parallel bureaucracy and parallel funding. After retaining jurisdiction of the case for twenty-one years, Tauro finally disengaged on May 25, 1993.

Operating under this structural fluidity, DMH no longer had exclusive command of its own turf. For example, the Department of Public Health is responsible for substance abuse, yet DMH treated many substance abusers. A web of intricate relationships — contracts, interagency agreements, intergovernmental grants — bind public and private agencies together in almost every important endeavor. It is under these policies and programs, which are multiagency, multigovernmental, and both public and private in character, that DMH administrators are frequently required to work with intervening elites. Functioning always under powerful political oversight, these women and men perform the critical role of turning simplistic and often contradictory policies into operational programs that the street-level bureaucracy can carry out.

Since its inception in 1938, the Department of Mental Health has functioned as a headquarters-field organization with its central office located at the state capital in Boston. In 1990 its field operations were divided into seven regions and twenty-four area offices, which were scattered across the state. Later that year commissioner Henry Tomes decided to reorganize the department with the intention of giving area directors more power and keeping case managers in area offices.²² This decision was driven by budgetary and political constraints. To trim expenses in hard times, Tomes put a stop to the leasing of expensive area offices. With Medicaid picking up the cost, the state made a policy decision in 1990 to launch clozapine trials, for DMH wanted to make this new medication available to more patients. The advent of clozapine was expected to have a significant impact on the management of serious mental illness, and it was hoped it would help to reduce the future need for long inpatient stays.

As state employees, DMH personnel are part of the permanent civil service, working regular hours in regular places. Their behavior is governed by rules, regulations, and directives formulated at headquarters with the expectation of uniform responses in the field. Field actions, which are routinely reviewed at headquarters, can vary all the way from surreptitious evasion and outright obstructionism to enthusiastically embracing the opportunity to initiate reform. Beset by conflicting demands from the field, central office personnel have been known to distance themselves from area directors and hospital administrators, especially when trouble arises or policy initiatives go awry. In bureaucratic parlance, this difficult terrain is known as the quicksand of bureaucracy where the footing is slippery and at times treacherous.

Throughout its sixty-three-year history, Metropolitan State Hospital had operated as a site-specific organization where bureaucrats and clients coexisted with one another. Located off Trapelo Road in Waltham, it was run in 1990 by a chief operating officer and a staff of physicians, nurses, hospital attendants, social workers, security guards, and building managers. As one participant recalls, "Met State was a fiefdom in and of itself; it had its own rules and its own code of conduct."²³ Most of its employees worked in rotating shifts around the clock. The hospital was a highly labor-intensive enterprise that typically allocated about 85 percent of its budget to personnel. As Robert Wood explains,

These organizations have visible physical structures in which “service-providers” and “service-receivers” live together continually or for a substantial portion of the day. There are aspects of communities here — entire cultures with mores and practices that are indigenous and with attitudes never described in manuals. They bear little resemblance to the offices of motor vehicle, employment, transportation, and economic development agencies. Nine to five is not the order of the day. Site-based organizations simply do not work according to the usual rules.²⁴

Making the distinction between public and private hospitals is also useful. Perhaps the most notable example is McLean Hospital in Belmont. Located one mile from Met State, it is a teaching hospital that offers high-quality care, but serves a much different client population, a more affluent and less troublesome group than was likely to appear at Metropolitan State. Although McLean provides substantial free care, it admits those who are less disturbed and have the ability to pay. This practice is called creaming. By marked contrast, Met State accepted anyone who needed help regardless of individuals’ financial circumstances. Its patients were among the most disturbed and the most vulnerable. Lacking medical insurance, they were unable to pay. That there are similarities and differences between public and private hospitals is hardly surprising, but the inequities are striking. All of which underscored the fact that there was a two-tier mental health system operating in Massachusetts, one for the rich and upper-middle class and one for the poor and dispossessed.²⁵

The Evolution of the Mental Health System

It is important to examine how the state mental health system evolved. Historically, of course, Massachusetts has been in the vanguard of caring for the mentally ill, a pioneer in building a series of public asylums that became its trademark. From colonial times until the first quarter of the nineteenth century, the insane had been kept in local jails and county almshouses or with family and friends. Founded in 1830, under the leadership of Horace Mann, the first state mental hospital in America was built in Worcester on a site overlooking Lake Quinsigamond, opening in 1833. Administered by Samuel Woodward, its influential and well-respected superintendent, this hospital became a model for the rest of the nation to emulate. Originally designed to accommodate 120 patients, Worcester served three basic functions: treatment, custody, and social control. By 1850 it had more than 500 patients.²⁶

It is well to remember that during the Jacksonian era the states did most of the governing in America. By contrast, the national government played a smaller role. The tradition of local autonomy, which began in colonial times, was strong in New England, and states’ rights reached its zenith in the Civil War. Not since anti-Federalist days had the fervor of grassroots democracy and states’ rights burned more brightly. Other states followed the lead of Massachusetts, and by 1844 eleven of the existing twenty-six states had public asylums.

In 1839 the city of Boston established its own asylum for the insane on 214 acres of prime land in Mattapan. This was a time when Irish immigrants arrived in Boston in great numbers. Strangers in a new land, mired in abject poverty, and devout in their Catholicism, these urban newcomers confronted a hostile environment. Fear and antipathy toward Irish Catholics had reached new heights in 1834 when an angry mob of nativists set fire to a convent in Charlestown, where Ursuline nuns ran a boarding

school for children. The intensity of hatred between Catholics and Protestants continued for generations as they fought over their ethnic and religious differences. The unprecedented flood of emigration from Ireland during the late 1840s and early 1850s shocked nativists even more as the Irish fled their famine-stricken homeland to escape the ravages and devastation of the “great hunger.” Almost all these people were descended from families who had clung to their faith through centuries of persecution. Their lives were scarred by starvation and disease, humiliation, and brutal oppression at the hands of the British.²⁷ In antebellum Boston, the Irish underclass was despised and discriminated against as much as, if not more than, the black underclass. Abolitionists, who abhorred slavery, were caught up in their own moral self-righteousness and the glory of their cause.

In 1841 Dorothea Dix discovered widespread neglect and abuse of the mentally ill in Massachusetts. Starting in East Cambridge, she found them chained in jails and almshouses, locked in cellars, and isolated on farms. Appalled by what she saw, Dix spearheaded a personal crusade for their humane treatment. A social reformer with true grit and determination, she worked tirelessly in their behalf and lobbied the state legislature for expanded facilities and proper institutional care.²⁸ In Dix’s time, psychiatrists and lay reformers believed that insanity was as curable as most other ailments. Confinement, they insisted, was not a punishment but a cure. Given the extent of medical knowledge in 1833, there was little to be done beyond the anticipated curative powers of the asylum. All these factors gave rise to the cult of curability.

Over the course of the next century, Massachusetts developed an elaborate network of public asylums. At the outset, the state and local governments shared responsibility for mental health. According to historical accounts, state funds were used to pay for the buildings and the superintendent’s salary, but much of the financial burden remained at the local level. Counties, towns, and villages paid a per capita fee for their indigent patients, but local officials tended to be parsimonious. Most of the state hospitals were constructed during the second half of the nineteenth century, which was the heyday of the “moral treatment” movement. These lunatic asylums, as they were commonly known, came on line one at a time, each in response to a distinct need. Overcrowding at Worcester led to the creation of new asylums at Taunton in 1854 and Northampton in 1858. Each served a localized area but accepted patients from other parts of the state.

Upper-class Yankees, who were mostly Whigs and abolitionist Republicans, comprised the ruling elite. They sited these hospitals in quiet, rural farming towns where land was cheap, purposely separating them from the community. Such a serene and idyllic environment afforded patients plenty of fresh air and a retreat from the pressures of modern society while contributing to their physical health and vigor. The patients were sealed off from the outside world and wrapped in protective custody. Little thought was given to the stigma that such isolation and social exclusion imposed. Pejorative terms such as “lunatics,” the “nut house,” and “funny farms,” were even more stigmatizing. The general public considered insanity a shameful form of deviance.²⁹ They viewed victims as social misfits.

Individual hospitals were operated independently by a board of lay trustees appointed by the governor. This made them accountable to the public, but the psychiatrists complained about lay control. The trustees hired superintendents to manage the asylums. Hundreds of employees were needed to staff the wards of these large hospitals and to maintain their physical plants. Most of the hired staff were native-born white Anglo-Saxon Protestants who lived on the hospital grounds in dormitories built for this pur-

pose. They usually managed to get their family members put on the payroll, and before long nepotism became rampant. Social and recreational activities were organized to promote staff morale. Interfaith and Catholic chapels for religious worship were eventually built on each campus. In many ways these asylums became self-contained communities that contributed to the local economy.

Much of the hospital land was used for farming. Patients were put to work tending the crops and large dairy herds. The revenues earned from the sale of such agricultural produce went to defray operating costs. Under the 1864–1885 superintendency of Pliny Earle, Northampton had the most efficient patient work program in the country. The hospital was virtually self-supporting. As historian Michael Moore observes:

The patients were to receive humane and dignified treatment under the watchful eye and direct care of the superintendent, the doctor who attended to every medical and administrative detail of the hospital. Combined with regular physical and intellectual activity and a tightly regulated schedule, this system of “moral treatment” would lead the ill back to health. Both the location and the physical design of the buildings were intended to enhance the therapeutic effect of the hospital.³⁰

During the late nineteenth century Massachusetts went from a largely rural and agricultural to a largely urban and industrial state. Its society was different in the Gilded Age, more diverse in its demographic pluralism and more demanding in the workplace. Up to that time most emigrants had come from the British Isles, France, Germany, and the Scandinavian countries. The diversity of emigration then began to change dramatically. By the 1890s the majority of emigrants were coming from southern and eastern Europe, from Italy, Hungary, Greece, and the Balkan countries as well as Poland, Lithuania, and Russia. They were recruited as a source of cheap labor to work in the textile mills, leather tanneries, and shoe factories. Their assimilation into the larger society was slow and painful. In the meantime, the downtrodden Irish, who suffered depression, anxiety, and distress, had filled the asylums. David Mechanic has described their plight in language worthy of lengthy quotation:

The general contempt of Massachusetts society for the Irish immigrants, who constituted a growing proportion of the insane, led to increasing pressures on the mental hospital to take on many new patients. With the growing number of patients — the mass of them held in low esteem by the community as well as by mental hospital personnel — it was impossible to maintain the administrative and environmental attitudes necessary for moral treatment. Moreover, with a growing number of patients and limited resources, it was necessary to develop more efficient custodial attitudes and procedures. The contempt in which the hospital held its clients and the low social value accorded them by the society at large neither stimulated hospital administrators to demand greater resources to care for their patients nor encouraged the community to provide further and more intensive support.³¹

Whatever the difficulties, the incidence of mental illness was on the rise. Insanity was defined vaguely enough to permit egregious admissions. The wording of the law was so vague that it could be applied to persons whose real problems were poverty, homelessness, and physical disability. Under such conditions, unprecedented numbers of people were declared insane and confined to mental hospitals. The sheer magnitude of the problem resulted in overcrowded and understaffed asylums. Madness was growing at a rate much faster than society could cope with it.

Party politics and patronage also influenced the growth and expansion of asylums. Like other social control institutions, such as prisons and reformatories, public asylums were viewed as lucrative sources of jobs and contracts that party politicians could bestow as a reward to their loyal supporters. Steeped in this political culture, Massachusetts built several hospitals during the post-Civil War era. A palatial asylum designed and built on a grand scale was erected at Danvers on a hill overlooking the countryside. With iron bars placed across its windows, this facility was completed in 1878 at a cost of more than \$1.5 million, an expenditure deemed extravagant at the time. Before the end of the century three other asylums appeared — at Westborough in 1886, Foxborough in 1893, and Medfield in 1896. These institutions made new spaces available and gave local officials a good excuse to redefine their senile poor as insane and shift the financial burden to the state.³²

There were then 219 almshouses in Massachusetts, which were populated by the homeless poor, the disabled and drunkards, vagrants and common criminals, many of whom were immigrants. As reformers succeeded in closing these institutions, state asylums were forced to absorb increasing numbers of the aged poor. Almshouses at Bridgewater, Monson, and Tewksbury, established in the early 1850s, were converted into public asylums for the mentally ill and mentally retarded. Bridgewater became a prison hospital for the criminally insane. Operated as a maximum security prison, it now falls under the jurisdiction of the Department of Corrections.

These public asylums were overseen and inspected at least twice a year by a state Board of Health, Lunacy, and Charity, which was created in 1879. This agency was replaced in 1886 by the state Board of Lunacy and Charity, which in turn was replaced by the state Board of Insanity in 1898. Many reformers, who favored centralized administration of asylums, argued that they were vulnerable to patronage. Despite this concern, the asylums jealously guarded their local autonomy and enlisted important political support when a governor or a state agency threatened to tighten central control. When a serious threat to their independence arose, local officials could be expected to voice strong objections. With the Republicans securely in control of state politics, the asylum system increasingly served as a patronage vehicle for their party.

Expansion of the public asylums took place in close correlation with the rise of the Progressive movement. Since the medical profession claimed responsibility for treating insanity, citizen influence was only peripheral to the closed world of the asylum. To be sure, the doctors exercised absolute control, and the public came to accept a medical explanation of madness. John Sutton argues as follows:

Late nineteenth-century policies toward the insane and the poor were premised on an ideology that portrayed social problems as fundamentally individual and moral in origin. Throughout the Progressive era, the imagery of Protestant moralism that underlay this ideology gradually gave way to a medical model of deviance, but the basic discourse of individualism remained intact.³³

Given the state's expansion mode, another public asylum appeared at Gardner in 1901 at the dawn of the twentieth century. Three years later, in 1904, the state assumed full financial responsibility for care of the insane. As a result of this takeover, Massachusetts entered into negotiations with the city of Boston and purchased its municipal asylum in 1908 for the sum of \$1 million. Seven years later, in 1915, yet another asylum appeared, this one at Grafton. It came on line when the nation witnessed the emergence

of the mental hygiene movement. Its proponents argued that mental illness could be eradicated through education in human relationships, but the millennium failed to arrive. In due course, moral treatment was replaced by a focus on the incurability of psychiatric disorders and the somatic basis of mental disease.

Research was a luxury that most mental institutions could not afford. The Boston Psychopathic Hospital was an exception. Established in 1912 as the research arm of Boston State Hospital, it sought to develop new medical approaches for combating mental illness. As a result, Boston soon became the mecca of psychiatry in America. While Boston State served the “incurable” of the day, the experimental Boston Psychopathic attempted to accommodate “incipient, acute, and curable insanity.” This teaching and research center was renamed the Massachusetts Mental Health Center in 1956. On a smaller scale, a pathology laboratory was established at Westborough. It operated under the direction of Solomon Carter Fuller, a distinguished black neuropsychiatrist who conducted research on the biological influences of mental health.

Meanwhile Massachusetts, like the rest of the country, had swung from the conservatism of Grover Cleveland and William McKinley to the progressivism of Theodore Roosevelt and Woodrow Wilson and, in the 1920s, back to the conservatism of Calvin Coolidge and Herbert Hoover. At this time Metropolitan State appeared at Waltham, the last asylum to come on line. It was the biggest and most modern hospital in Massachusetts. Collectively, these thirteen state institutions functioned as an extended system that proved beneficial to all of the state’s 351 cities and towns.³⁴

As the years went on, the state hospitals gradually fell into a long, cold slide of decline, victims to circumstances largely beyond their control. Incremental decisions were being made which in the long run would have serious negative consequences. Eventually the system would break down, but long before reaching the point of collapse it found ways to correct itself. Operating on tight budgets, the hospitals struggled with fiscal problems, staff reductions, low morale, and the departure of clinicians. Continual turnover and staff burnout became a perennial problem. Party politics and patronage also contributed to their decline. While the Republicans continued to dominate state politics during the first half of the twentieth century, the construction and maintenance of asylums channeled state and local patronage to loyalists of both major parties.

Through the New Deal, the Fair Deal, and the Eisenhower administration, the public asylums became more custodial than therapeutic, dumping grounds for those afflicted with alcoholism, epilepsy, senility, and other chronic geriatric illnesses. Admitted and left to be forgotten, these people were consigned to living and dying in these institutions. As was true in other states, the asylums had become human storage bins that were abusive, uncaring, and unresponsive. In 1946 they were dubbed snake pits by Mary Jane Ward, who wrote a graphic, personal account of her incarceration in a state hospital. Her best-selling book, *The Snake Pit*, was made into a movie in 1948.

The demanding nature of care for the mentally ill, has always taken a toll among those who provide it, for they have found their jobs filled with stress and tension. They are constantly exposed to physical danger and assaults by violent patients. Says one observer,

The state hospital was a hard place to work. Hospital workers provided care to many of the neediest members of society, people who often could get help nowhere else. They provided this care at a hospital that was constantly underfunded and over-

crowded, as part of a system which often thwarted their best intentions. They endured the stigma that haunts the mentally ill in our society. Most of these employees were good and caring people who tried hard to help their patients.³⁵

Although reformers persisted in their efforts to achieve greater centralized administration and control of the state hospitals, inevitably, the bureaucracy continued to evolve. In sparse outline, it passed through successive stages of evolution that witnessed the creation of a Commission of Mental Diseases in 1916, a Department of Mental Diseases in 1919, and finally a Department of Mental Health in 1938.³⁶ DMH's initial emphasis, then, was constricted. It stressed the overriding importance of state hospitals and the molding of people to fit the system rather than the search for alternatives. With the outbreak of World War II and the staffing shortages that resulted from emergency wartime mobilization, the major emphasis was placed on occupational rehabilitation. Psychiatrists in America played an important role in screening military recruits and in treating soldiers who broke down mentally under the prolonged stress of combat. After the war, the establishment of the National Institute of Mental Health in 1948 was a watershed event legitimating a new federal role in mental health.

The old pressures, already identified, returned to the 1950s agenda. Staff shortages continued to be a major problem. Because better-paying jobs were offered elsewhere, it became increasingly difficult to recruit and retain a reliable workforce. Replacements, while available, were not always of the best quality; many were untrained and unqualified. As more psychiatrists practiced privately to earn more income, they shunned work at state hospitals. Foreign physicians were hired to take their place. New pressures reinforced the old ones. Client admissions were again skyrocketing. Staff shortages led to mostly custodial care and very little treatment or therapy. As the system reached its peak capacity in 1955 with a combined census of more than 23,000 patients, the hospitals were in danger of being overwhelmed and imperiled by overcrowding. Influential reformers became increasingly disenchanted with the characteristically custodial institutions. The hospitals had become part of the problem rather than part of the solution.

In February 1955 Congress commissioned a study of the human and economic problems that emotionally disabled people faced and agreed to fund demonstration projects that sought to improve services. This study was conducted by the Joint Commission on Mental Illness and Health, a nonprofit corporation. Jack Ewalt, then commissioner of mental health in Massachusetts, served as its executive director. The report, *Action for Mental Health*, published in 1961, called for creating community mental health centers and reducing the size of state hospitals to no more than 1,000 beds. The report drew from the experiences at Worcester State Hospital with regard to patient reduction and outpatient and aftercare services. These new ideas were promoted by President John F. Kennedy, whose legislative initiative was enacted by Congress as the Community Mental Health Centers Act of 1963. Signing this statute shortly before his assassination, Kennedy declared, "The time has come for a bold new approach." Local services locally administered was identified as the bold new approach. The hope was that the large state hospitals would become a thing of the past. In 1964 Massachusetts produced its own report, "Strategies of Mental Health Change," which reiterated the theme that local care was the wave of the future. That goal was the central thrust of the ensuing law.

The System Disassembles

In 1966, when Republican John Volpe was governor, the state legislature passed the Comprehensive Mental Health and Retardation Act. This landmark legislation, Chapter 735, and subsequent program stemmed from the idea of creating community mental health centers. Venturing into this domain of still uncharted territory was a pioneering endeavor, for there were virtually no residential care or psychiatric day treatment programs available in Massachusetts. Central to this legislation was the concept of a service area, a designated geographical locale in which clients would receive coordinated services from various human service agencies. Chapter 735 divided the state into seven regions and forty area offices, each with its own citizens' advisory board. Citizen participation through a monitoring role was a major breakthrough of this adventure, analogous to the Great Society programs that called for greater citizen involvement.

In 1967 Governor Volpe appointed Milton Greenblatt, a man with impeccable credentials that satisfied demands for both professional achievement and administrative experience, as commissioner of mental health. A graduate of Harvard Medical School, Greenblatt had previously served as assistant director of the Mass. Mental Health Center and as superintendent of Boston State Hospital. The task of implementing the new statute and setting up citizen area boards fell to him. Soon to follow was the "unitization" of all state hospitals, a policy designed to give area directors clinical and administrative control of inpatient units. Unitization assigned patients to hospital wards by their community of origin. A shaky and unpredictable process, it at least linked inpatient care to a fledgling community-based service system.³⁷

Almost simultaneously, the deinstitutionalization movement forced itself on the nation's agenda and captured public attention. This crusade launched a stinging counter-attack on the efficacy of state hospitalization, which soon became a rallying cry for mental health champions across the country in the late sixties and throughout the seventies. This reform, fueled by federal money, was designed to place patients in community residences and halfway houses as an alternative to warehousing them in large custodial institutions. For at least a generation or two, the pressure to deinstitutionalize increased in almost all the states in the nation, but the pace was agonizingly slow in some of them.³⁸ If there was a social laboratory in which to test this reform, it was Massachusetts, for nowhere else was it advanced so vigorously.

In 1969 lieutenant governor Francis Sargent was thrust into the governor's office when John Volpe went to Washington to accept the cabinet post of secretary of transportation in the Nixon administration. After Sargent was elected to a full term as governor in 1970, his attention fell on reorganizing the executive branch, creating "super" agencies, and controlling the bureaucracy by political appointments that reached far down into the middle ranks of departments and agencies. He named Peter Goldmark as the first secretary of human services. One of Goldmark's objectives, shared by Sargent, was to move as many people as possible out of the large human service institutions and into smaller community facilities. Goldmark's strategy relied on forcing bureaucratic agencies to act by applying pressure from constituency groups at the grass-roots level.

While this was going on, the state legislature amended Chapter 123 in 1970 to clarify hospital admissions and commitment policies. The law's provisions were changed to protect the civil liberties of mental patients and to prevent egregious admissions and un-

due incarceration. No longer could people be committed for mere vagrancy. Only those who were deemed a “danger to themselves and others” could be locked up involuntarily.

Whatever its merits, the Goldmark strategy of citizen participation ran directly counter to Greenblatt’s philosophy of keeping the physicians on top as well as on tap. Perceived as a doctor’s doctor, Greenblatt did not attempt to close any state hospitals. Reluctant to adapt to the shifting winds of political change, he maintained the status quo. Not surprisingly, the hospital superintendents, all psychiatrists, loved him, but this affection was not shared universally. Under fire from a citizens’ task force on children out of school, Greenblatt stonewalled their efforts to monitor the implementation of Chapter 750. This law called for the delivery of mental health and educational services to emotionally disturbed youngsters who were most at risk and unable to function within a traditional public school. The children’s task force was led by Hubie Jones, a black social worker and community activist who engaged the task force in public advocacy and confrontational politics.

After a series of disagreements on programs and policies and a steady drumbeat of criticism from citizen area boards and other constituency groups, Greenblatt crossed swords with Jones in a clash that became highly visible.³⁹ The commissioner was also called to task by the Lolas commission, which had investigated the deaths of four mentally retarded clients at Belchertown. Although an internal probe conducted by DMH absolved Greenblatt of any negligence in the matter, the Lolas commission found him partially responsible and therefore called for his resignation. These events led to his forced departure in December 1972. In her aptly titled book *Managing the State*, Martha Weinberg wrote, “Buffeted by a department that was changing rapidly but in no single clear direction, by new constituency groups with which he had few natural ties, and by a superior who wanted to move the department more quickly and in different directions than he did, Greenblatt left his post.”⁴⁰

The search for Greenblatt’s successor produced a different atmosphere. Legislation was passed making the commissioner’s appointment coterminous with the governor’s incumbency, a move that was intended to assure greater accountability. To quote Weinberg again, “Pressure was also building to have a commissioner whose primary experience and training had been administrative and political rather than medical; and in the spring of 1973, as the search was being conducted, the General Court abolished the requirement that the commissioner be a board-certified psychiatrist.”⁴¹

After a six-month search, Governor Sargent appointed William Goldman, a San Francisco psychiatrist, as commissioner of mental health. Sargent had heard Goldman speak at a governors conference in Colorado and was impressed by him. While Goldman had attended medical school in Boston, he had spent most of his career in California, where he had been director of a community mental health center and a leader in the national movement to establish more such facilities. Goldman, realizing that Massachusetts was far behind other states in obtaining its share of federal funds, brought with him fellow Californian Edward Sarsfield, who was placed in charge of federal relations. Sarsfield knew which kind of programs qualified for federal assistance.

Ambitious, energetic, and often abrasive, Goldman was a social change agent extraordinary, and accordingly his actions deeply affected DMH. He set a new tone as well as a new direction for the department by allowing the citizen area boards to participate in the budget process and by refusing to curry favor with the medical establishment, which was viewed as a sacred cow. The direct opposite of Greenblatt, he saw doctors as stubborn resisters of change and impediments to new policies. Goldman infu-

riated them by refusing to fund psychiatric residencies at many of the affiliated university hospitals and clinics;⁴² he also prohibited psychiatrists who were on the state payroll from working more than half time at their private practice.

A complex and controversial personality, Goldman knew where he wanted to go and didn't mind stepping on sensitive toes and running roughshod over people in order to get there. In a personal interview, he candidly revealed his style and strategy as a public person.

What this department needs is unambiguous authority. Nobody knew what the hell they were supposed to be doing. I can't promise that I have the right answers, but at least I could give some leadership to people who didn't know where to turn. I wanted to establish that the citizens were going to have some control over the department and that there was nothing sacrosanct about the medical community. I don't go in for the consensus mentality which has dominated this department for years. It's fine if you don't intend to do anything, but by pursuing a consensus you lose years. It's better to let everybody know where you stand and to shove yourself and the department out onto the firing line. Everybody here is desperate to have somebody to follow. That's the only way to manage this department — by leading it.⁴³

Goldman was the original architect of closing hospitals, and under his leadership DMH began disassembling the system. Of the eleven state hospitals still in operation, three were closed within a span of three years. In 1973 Grafton was the first to be shut down, in 1974 Gardner was closed, and in 1975 Foxborough followed suit. These were the so-called snake pits, but they were hardly the worst.⁴⁴ Most of their clients were transferred to other state hospitals. No money was saved in closing Grafton, but the state did manage to save \$5 million in closing Gardner. These savings were immediately put into community programs, which was no small accomplishment. The first round of hospital closings broke new ground and paved the way for subsequent closures.

As a result of these events and initiatives, the Massachusetts inpatient population declined steadily. Between 1960 and 1972 the combined census was dramatically reduced from 23,000 to 9,800 patients. At the end of 1975, 4,876 people were in state mental hospitals. Dependency on these institutions had become the lowest of any eastern state. As hospitals continued to empty their wards throughout the seventies and early eighties, the total figure was reduced to 2,950 by 1984, 23 percent of what it had been in 1955. Such a large-scale reduction was spurred by new psychotropic drugs and the infusion of federal Medicare and Medicaid funds. Many of those discharged during this period were elderly patients who were placed in nursing and rest homes. Times had changed, and federal intervention was critical. This reform set the stage for the events that followed.

Recalcitrant Institutions Dragged into Court

Michael Dukakis was first elected governor in November 1974. His upset victory over incumbent Francis Sargent had been too narrow and the campaign too publicly divisive for him not to appoint men and women of substance and ideas. During the campaign Dukakis had attacked Sargent for mishandling the Russell Daniels case. A former patient at Belchertown, Daniels had been convicted and sent to Norfolk prison for murdering an eighty-three-year-old woman. Advocates argued that his confession had

been coerced and signed without legal counsel. In another campaign matter, the Massachusetts Psychiatric Association had endorsed Dukakis on the condition that Commissioner Goldman must go. This was the context in which the governor entered office and found a sizable fiscal deficit awaiting him. When he appointed Lucy Benson as secretary of human services, she refused to meet with Goldman, a Sargent holdover, who had put together a package of new ideas for her. Soon afterward Goldman was fired, presumably for referring publicly to Dukakis's policies as neo-Nazi.

Lee Macht, who had been director of a community mental health center in Cambridge, was brought in to replace Goldman for a brief stint as interim commissioner. Picking up where Goldman left off, Macht oversaw the closing of Foxborough State Hospital, which was accomplished in an orderly and well-structured manner. Robert Kaplan, the regional administrator, was able to reach an agreement with the public employee unions that made jobs available to their members at state institutions within twenty-five miles of Foxborough. This agreement went a long way toward assuring union cooperation.

In 1975 Massachusetts, with the second highest unemployment rate in the country and the largest state deficit, faced its continuing unemployment problem. Confronted with the difficulties posed by urban minority populations and challenged by well-organized state employee unions, liberal-minded public officials had responded to their demands at a level that tax revenues could not support. Many people feared that Massachusetts was becoming a welfare magnet. Social demographics were changing rapidly as the newest wave of urban immigrants arrived in the state. Blacks, Hispanics, and Asians had come to the Bay State seeking the same economic opportunities that had attracted the struggling European immigrants two or three generations earlier.

As people of color, they met with racism and bigotry, but their demands for accommodation were more far-reaching and more expensive than the European immigrants'. Marching under the banner of civil rights and affirmative action, they demanded decent housing, better jobs, and integrated schools. After nearly a decade of political and legal battles, reflecting more than a century of stored-up fears and antagonisms, desegregation came to the Boston public schools. The tensions brought to the surface by court-ordered busing exploded into racial violence in September 1974.

Brought up short by the deficit and inflation, Dukakis made deep budget cuts and reduced spending on welfare entitlements and social services. He applied a "meat cleaver" to bring the budget under control. State spending for public higher education was greatly reduced. Although economic factors prompted this action, it had political repercussions. To the extent that minorities represented a growing political force, first in urban and then in state politics, they created a countervailing response to Dukakis's effort to reduce spending. Political responsiveness to group pressures remained the norm, but the traditional sources of patronage had not disappeared.

Cross-pressured, the governor incurred the wrath of prominent liberal Democrats and human service providers, who were clearly estranged. The chasm between them became wide and deep. For purposes of Dukakis's first term, their political support was critical, but it was strained to the breaking point. Barney Frank, a liberal Democrat, openly attacked the governor as a "perfect political ingrate." To add to Dukakis's fiscal woes, the energy crisis and the Arab oil embargo set off a new scramble for scarce public resources, while the previously secure world of state administrators was invaded by the third branch of government, the judiciary. The threat to mental health programs across the state was real.

Advocates began to stir up trouble, using legal means to bring the Department of Mental Health to the bar of justice. A new breed of lawyers, spawned during the civil rights movement and the halcyon days of the Great Society, came to fashion complicated remedies intruding on the most detailed practices of state administrators. They sought to advance the rights of mental patients and to disclose the widespread deficiencies in the system. For instance, Frederick Wiseman produced the 1967 documentary film *Titicut Follies*, which revealed the horrible conditions at Bridgewater State Hospital and sent shock waves throughout Massachusetts. Initially sealed by the courts, it was subsequently released, but only after advocates began court proceedings to allow it to be shown to the general public. Even so, the state Supreme Judicial Court limited the viewing audience and conditions under which it could be screened.⁴⁵

Activists continued to disclose that the Massachusetts mental health system was fraught with abuses, neglect, filthy and unsafe conditions, and mismanagement on a systemwide scale. Slapped with a class-action lawsuit in 1976, state officials at Northampton State Hospital were hauled into court. In the famous case *Brewster v. Dukakis*, the plaintiffs charged that they had a legal right to psychiatric treatment in a less restrictive setting than a state hospital and, conversely, that the state had an obligation to provide such a treatment setting. A similar fate befell the schools for the mentally retarded at Belchertown, Fernald in Waltham, and Monson, which allowed their clients to live in squalor. These recalcitrant institutions had to be dragged unwillingly into court before they would do anything to improve the despicable conditions that prevailed. The consent decree was the preferred instrument of judicial intervention. In effect, the courts became the administrators. The world of mental health practice was becoming more complex.

After Foxborough was closed, Lee Macht stepped down as commissioner. Dukakis replaced him with Robert Okin, who was strongly committed to community mental health services. Only thirty-three years old, Okin had served as commissioner in Vermont from 1973 to 1975. Prior to that, he had been a consultant to the Boston regional office of the National Institute of Mental Health. Completely different in style and strategy, Okin was a dedicated, hard-working, and driven administrator who recognized that the care of psychiatric patients needed to be further brought into the mainstream. Psychiatry was still outside the realm of other medicine. Realizing that the system was broken, Okin declared that his goal was to close all the state hospitals and single-mindedly went about creating such change. No one tested the limits of deinstitutionalization more than he. What Okin understood well, but did not acknowledge, was that the cities and towns were ill prepared to receive such a massive exodus.

A commissioner with a compelling vision, Okin foresaw the day when mental illness would be treated not within state hospitals but within private general hospitals. In this context, he was a true visionary and a forerunner to privatization. For the time being, however, Okin insisted that community services take precedence over everything else. As he told one colleague, "I would rather see mental patients eating out of garbage cans in the streets than to see them endure the miserable conditions on the back wards."⁴⁶ Believing that the systemic problems could not be fixed until the hospital function was placed elsewhere in the mental health delivery system, he was adamant that state employees not be allowed to move into community settings or private group homes. The commissioner felt that they were trapped in the same institutional mind-set as the patients.

As a zealous reformer obsessed with his vision, Okin pushed vigorously to advance

the cause, putting intense pressure on the regional administrators to scale down the hospitals. Caught in the middle, they were viewed as the enemy by both the hospital superintendents and the unions. Here the state missed a rare opportunity on Okin's watch. DMH could have reached an agreement with the unions but failed to do so. Union officials were apparently willing to help the state downsize and close its hospitals, provided that their members would be assured jobs in group homes. That proposal was on the table, but the state never acted on it. This intransigence at the bargaining table resulted in an unfortunate standoff.⁴⁷

Metropolitan State Hospital was supposed to be closed in 1978, but that did not happen. The plan was for McLean Hospital to replace Met State in terms of acute and long-term care, but the Public Health Council turned down the plan.⁴⁸ Meanwhile, the eight remaining state hospitals continued to decline and decay, becoming little more than holding cages for the acutely and chronically insane. All eight were guilty of flagrant neglect and harm to nearly helpless people. The back wards were filthy and appallingly inhumane. Patients were not only stripped of their self-esteem and human dignity, but the restive and unruly ones were forcibly placed in seclusion and mechanical restraints, some forced to take medication against their will. Grim stories about physical and sexual abuse abounded. Hospital attendants often played mind games with patients by threatening to send them to Bridgewater with the criminally insane if they acted up or otherwise caused trouble. Since the law called for strict security, this kind of intimidation and cruelty was no idle threat.

As Dukakis came to the end of his first term in 1978, he was unable to patch up the differences and bitter feelings that split the Democratic Party into warring factions. Seizing the opportunity to take advantage of the split in the ranks of the Democrats, Edward King, a conservative Irish Democrat and former director of the Massachusetts Port Authority, challenged Dukakis in a party primary. By appealing to disaffected Democrats, King scored a stunning upset victory and went on to win the governorship in the general election.

A few weeks later, in December 1978, the state and the plaintiffs, who had been engaged in the *Brewster* case for the past two years, entered into what became known as the Northampton consent decree. It mandated that "clients were entitled to live in the least restrictive, most normal residential alternatives and to receive appropriate treatment, training, and support suited to their individual needs."⁴⁹ This decree buoyed Okin's prospects. Some colleagues suspected Okin of playing a double-agent role in aiding and abetting this litigation. In truth, he supported the consent decree.

Governor King reappointed Okin as commissioner on February 5, 1979. Measured by federal standards, Northampton was not the worst mental hospital. That dubious distinction belonged to Boston State Hospital, which housed 3,600 patients as late as 1964, when it was considered a disaster. The hospital was slated to be closed in 1975. In fact, some 100 geriatric patients were transferred to Lemuel Shattuck Public Health Hospital in 1976. But this phasedown proved to be politically sensitive and unacceptable to the community, so Okin was forced to back off. He subsequently accelerated the pace of deinstitutionalization. In March 1981 the average daily census at Boston State had dwindled to 147 patients, and, after its 142 years of operation, Gerard O'Connor, its superintendent, closed this venerable institution.

At this juncture Okin left DMH to accept a job as chief of psychiatry at San Francisco General Hospital. By this time he had become too expensive for the King admin-

istration, which was not committed to a vision of community services. Among his many talents, Okin had the ability to go to the legislature to get the money he needed. Upset by the budgetary implications, King no longer desired to keep such an independent commissioner. Okin had obviously worn out his welcome.

On April 7, 1981, King appointed Mark Mills to fill the vacancy. Mills, who had served as chief executive of the Mass. Mental Health Center, took the job as a stepping-stone. Before his last position, he had been chief resident in psychiatry at the Veterans Administration Hospital in Palo Alto. He held a law degree from Harvard Law School and a medical degree from Stanford University, an educational background that equipped him to handle his new job, but during his two-year tenure few if any significant ideas were transformed into policy. Some colleagues viewed Mills as being too narcissistic to accomplish much of anything. He defended the practice of DMH clinical personnel working part time in community clinics. The state Ethics Commission had ruled that such a practice was in violation of the conflict-of-interest laws.⁵⁰

In December 1979 Okin had appointed a blue-ribbon commission to examine the state of Massachusetts mental health services and project what lay ahead. After seventeen months of studying the vexing problem, this group released its report "Mental Health Crossroads" in May 1981, a month after Mills had come aboard. The commission set out its suggestions as to the way forward. Some of the lines in this report read like prophecies. Echoing Okin's sentiments, the commission recommended closing all state hospitals, but nothing came of its report, for good reason.⁵¹

The Department of Mental Health was then engaged in political battles over funding on Beacon Hill. The beleaguered department came under increasing attack as the largest and most poorly managed state agency. By his own admission, Mills publicly acknowledged in 1981 that no one knew exactly how many employees the department had on its payroll. Management weaknesses were glaring. As a complacent bureaucracy, DMH lacked standards of accountability as well as standards for assuring quality care. There were few if any incentives for personnel to perform well. The department suffered from poor staff recruitment and training as well as the inability to transform new ideas into workable programs. Along with this complacency came an unwillingness to admit mistakes and take corrective action. All these signs were indicative of a public agency that had lost its sense of mission, confused its priorities, and forgotten the public it was supposed to serve.

Clearly, DMH was an agency in continual disarray and turmoil. Its administrators were taking a beating not only from legislators, but also from advocates and unions, which became obstreperous and obstructive. DMH was beset on all sides. Proposition 2½, which limited local taxation, was causing problems in public finance at the municipal level. The politicians on Beacon Hill were taking public money away from state agencies in order to finance local aid. Between 1981 and 1982 DMH lost 1,200 positions. During the remainder of the King administration, the agency behaved in self-serving and protective ways. Hunkering down to a siege mentality, it stonewalled not only advocates but also compliance with the court-ordered consent decrees.

Amid the swirl of this turbulence, employees at several state hospitals went out on strike in 1982 to protest their low pay and poor working conditions. Faced with a crisis situation, Governor King mobilized the National Guard and sent state troops to run the hospitals. In the fall of 1982 King turned out to be a one-term leader — Dukakis defeated King in a much heralded intraparty rematch and recaptured the governorship.

What Went Wrong?

Anticipating the consequences of any policy is always difficult at best — new ideas are not easily translated into policy. Policymakers usually land in trouble if they do not portray reality or identify correctly the attributes of a problem and the options for its resolution. In essence, this is what happened in Massachusetts. Moreover, the reformers seriously underestimated the economic and political power needed to close hospitals like Northampton and Boston State.⁵²

Without going into the horrors of what one finds inside the walls of a state hospital, suffice it to say that it is not a pretty picture. Only those who have endured such experiences or seen what goes on can describe the reality of such an institution. The cruel and sadistic treatment therein was vividly portrayed in Ken Kesey's book and movie *One Flew over the Cuckoo's Nest*. Unitization was supposed to have corrected these abuses, but they still persisted. Despite the similarity of all mental hospital experiences in their broadest outlines, each carries its own daily agonies with occasional small triumphs.

Displeasure with the mental health system was widespread at the end of the seventies. The recurring public outcry for better treatment grew louder and more persistent. Administrators such as Rae O'Leary, who had spent most of their careers in state hospitals, were thrust into crisis management. O'Leary's experience was typical for many, who ended up frustrated and angry. O'Leary expressed her anger by saying, "Conditions were so horrible in these hellholes that they should have been blown up."⁵³ Barbara Hoffman, who began her career as a hospital attendant at Met State in 1956, was somewhat more philosophical. Interviewed by Okin for the job of regional administrator in 1978, she told him, "I hope to see daisies growing on the hill where Met State stood."⁵⁴ When she ended that career in 1986, Hoffman had seen eleven commissioners come and go, but Met State remained standing. The average tenure for a mental health commissioner nationwide was eighteen months.

After years of neglect, the aging infrastructure at Danvers State Hospital was crumbling. Although most of its older buildings had been condemned and were no longer in use, the hospital stood, in the words of one newspaper reporter, as "a monument to society's neglect of the mentally ill."⁵⁵ Much the same could be said for the rest of them, which symbolized the politics of evasion and the decaying status quo. To record the substantial decline of these institutions is not to suggest that they had outlived their usefulness or that disaster befell the commonwealth. Bad and ragged as it was, the system was better than nothing. At rock bottom the state hospitals provided support of last resort for the indigent mentally ill — there was no place else for them to go. This conundrum, which lay at the heart of the policy paradox, explains in large measure why Dukakis did not try very hard to close them.

Deinstitutionalization may have been a sound concept, but it was a policy almost bound to backfire, for the consequences of its implementation on community life were not anticipated. Because of poor planning and inadequate funding, the Department of Mental Health lacked the necessary resources to handle such a wholesale discharge of patients. It presented the classic dilemma between need and capability. As a consequence, the policy was implemented untested and irresponsibly. Most patients were literally dumped into the streets, where they roamed hungry and ragged and slipped through the cracks in the system. Without the necessary community infrastructure, the reform was doomed to failure. Small wonder that the policy resulted in chaos and ambiguity.⁵⁶

Left to fend for themselves, the ex-patients were too disoriented and too confused to make their way through the maze of public bureaucracies to get the help they needed. For the most part they tended to cluster in urban centers where, in Massachusetts, an estimated 1,500 and 3,600 mentally ill persons — no one knew the exact figure — ended up homeless. Some found lodging in local jails, in general hospital emergency rooms, and in rundown tenements and shabby rooming houses. Others slept in street store entrances or in homeless shelters like the Pine Street Inn in Boston. Still others wound up back in the revolving door of state hospitals. Under these circumstances, the end result was bound to be disappointing. To this day Robert Okin firmly believes that deinstitutionalization did not fail. On the contrary, he contends that it was never given a real chance to succeed. Okin's argument may find favor in academic circles, but not in government.⁵⁷

Some programs survived to prove themselves in the eighties, but the Reagan administration used block grants mainly to combat drug abuse. The federal government continued to provide planning grants to states for community mental health services but virtually abandoned direct funding of services. By 1983 there were only ten community mental health centers operating in all of Massachusetts. Most areas of the state had psychiatric day and residential programs, but these were always filled to capacity with waiting lists for admission. Community opposition was a major obstacle to supported residential sitings. Residents, who were eager to maintain property values, recognized the problems of the mentally impaired but insisted that the solution should lie somewhere else, not in their neighborhoods. These frequently voiced protests became known as the NIMBY — not in my backyard — syndrome. By default, DMH left it to the homeless shelters to provide for those who resisted conventional treatment and wandered the streets. While some general hospitals had psychiatric units, only voluntary patients were admitted.

Once More into the Breach

At the beginning of his second term as governor, Michael Dukakis appointed Manuel Carballo as human services secretary. Severely criticized in his first term for not appointing people who had made a campaign contribution, Dukakis was not about to repeat that mistake. Carballo, who had unimpeded access to the governor, started searching for a replacement for Mark Mills. Both he and Dukakis wanted a manager. In February 1983 Carballo told the press, "We need someone able to manage an agency that has lost a sense of direction and has been subject to a great deal of criticism."⁵⁸ Seven people, not one of whom was a physician, were under consideration for the position. As Miles Shore, a psychiatrist at the Mass. Mental Health Center, wryly observed, "The commissioner should have real experience in public administration to rebuild the department. To have someone identified with program development would send the wrong message for these times."⁵⁹

Five months later Dukakis had decided that James Callahan met the requirements and appointed him to the post in May 1983. Callahan, the first nonpsychiatrist to hold the position, was a capable and articulate administrator. He had previously managed two public health facilities, Lemuel Shattuck Hospital in Jamaica Plain and the Massachusetts Hospital School in Canton and served as secretary of elder affairs in the first Dukakis administration. The governor, along with his top aides, distrusted the department as an inept and clumsy bureaucracy, considering it weak and ineffectual. He suggested that Callahan might want to clean house.

On November 10, 1983, in an effort to shake up the agency, Callahan fired three assistant commissioners and seven regional administrators. This famous incident involving four women and six men became known as bloody Thursday. Robert Porter, the chief operating officer, gave the dismissal order, which no one had anticipated, for it was shrouded in utmost secrecy in a department known for its leaks. By clearing out the old and bringing in new blood, Callahan could start with a fresh slate.⁶⁰

Insiders felt that the ten administrators were unfairly scapegoated. They saw their firings as a ploy to divert public attention from the strains of the system, when in fact, after a decade of huge expenditures, the Dukakis regime refused to pour any more money into deinstitutionalization.⁶¹ Ironically, two of those dismissed went on to become mental health commissioners in other states. Donna Mauch, who had served as assistant commissioner from 1981 to 1983, became commissioner in Rhode Island, and Michael Hogan, following a similar route, became commissioner first in Connecticut and subsequently in Ohio.

A few weeks after this incident, the state Supreme Judicial Court ruled in *Rogers v. Okin* that patients committed to mental hospitals have a fundamental right to refuse treatment with mind-altering drugs, or if not mentally competent to speak for themselves, to have a judge make that decision for them. The case had been brought on behalf of Ruby Rogers and six other patients at Boston State Hospital. Originally filed in 1975, it was a landmark battle that had gone all the way from the federal district court in Boston to the First Circuit Court of Appeals and then to the U.S. Supreme Court, where it was remanded for state adjudication.

Justice Ruth Abrams, who wrote the unanimous decision, declared: "The doctors who are attempting to treat as well as maintain order in the hospital have interests in conflict with those of their patients who may wish to avoid medication."⁶² Psychiatrists attacked the decision as an unwarranted intrusion by the courts into medical decision making that would render access to treatment more difficult for the most seriously ill. Advocacy groups were delighted with the court ruling because it gave patients a choice.

A series of unhappy events combined to dramatize the housing problem that former patients faced in Massachusetts. Sadly, tragedy struck three times within a relatively short time. In June 1981, Cookie Wilson, a mentally ill woman, died as fire engulfed an abandoned town house in Boston where she was spending the night. Two rooming house fires, one in Worcester on April 19, 1983, and the other in Beverly on July 4, 1984, claimed the lives of fourteen clients. These tragedies sparked a legislative investigation and focused media attention on their plight.⁶³ The ensuing publicity raised the level of public awareness.

So the pressure built within the Dukakis administration, and with notable public support and debate, to improve the mental health system. When Manny Carballo died in late January 1984, Dukakis appointed Philip Johnston to replace him as human services secretary. A liberal and compassionate Democrat, Johnston was a former state legislator who had once worked as a hospital attendant at Northampton. He saw mental health as "one big hole that needed to be reformed."⁶⁴ Dukakis and Johnston each had a personal stake in the issue, since both their families had been touched by mental illness. Both felt that the policy of deinstitutionalization had gone too far. They saw the possibility of midcourse corrections and changes in Dukakis's second term, but before they could do anything, they first had to organize for political action.

In August 1985 Edward Murphy was brought over from the Department of Youth

Services to replace Commissioner Callahan, who returned to his academic duties at Brandeis. Although Murphy came from a criminal justice background, he had a reputation as a strong manager. Before leaving office, Callahan warned against any move toward reestablishing large hospitals to warehouse people.

Consensus on the future direction of mental health was hard to achieve. From Johnston's perspective, a war had been waged for the past twenty years over whether to pour more money into hospitals or to put it into community services. Based on the incidence of mental illness, Johnston wanted to know how many state hospital beds would be necessary to solve the problem. This number, in his judgment, had to be defensible. The scale of the problem he had identified and probed clearly required 2,150 beds.⁶⁵

Not coincidentally, policy control remained securely in the governor's office. Catherine Dunham, the executive director of the Massachusetts Council of Human Services Providers, was brought in to replace Johnston as Dukakis's human services policy adviser. Having started her career as a teacher in a reform school, she was pro-deinstitutionalization and highly regarded by service providers. Dunham was expected to build bridges with the provider community. Amid this flurry of activity, Jean Dietz of the *Boston Globe* and other media observers had failed to note the critical element of power signified by these personnel assignments.

By 1985 the Dukakis administration was committed to a gubernatorial message on mental health reform. It began with an initiative known as the Mental Health Action Project, which brought together a broad coalition of policy advocates. A covey of medical experts, departmental specialists, and constituency group leaders appeared on its steering committee. It was an impressive working group whose thirteen members came from a variety of perspectives and posts. Anita Pyatt, who headed the state Alliance for the Mentally Ill, took a lead position. She persuaded the steering committee to endorse the idea of using vacant state land for establishing therapeutic communities and assisted housing for the mentally ill. This would enable them to live independently and alleviate the burden of aging parents faced with having to care for them. After much debate on the efficacy of the programs of the seventies, a consensus emerged in shaping the policy agenda. The technique yielded a written document as a departure point for subsequent discussions with the governor.⁶⁶

Major improvements were to be made at the seven state hospitals. The goal of DMH was to bring them up to the standards of the Joint Commission on Accreditation of Healthcare Organizations for purposes of approval. Metropolitan, Taunton, Worcester, and Westborough were targeted to become regional specialized care facilities that would provide long-term inpatient and quarter-way residential services for clients with a variety of clinical needs. A battery of suggestions emerged from the meetings of the steering committee. Essentially, their work resulted in three major policy proposals: (1) a capital outlay program; (2) a quadrupling of housing units; and (3) a package of community living and treatment options. They submitted their recommendations to the governor in late November 1985.⁶⁷

Dukakis was in western Massachusetts on December 19 and then flew by helicopter to Met State, where he delivered his special message, a propitious event in terms of both timing and location. The governor called for a five-year plan designed to renovate and refurbish the existing hospitals and to overhaul the outpatient care system. He saw the problem as one that had been deteriorating for decades and was sure to become worse if ignored. Only a massive infusion of money and new construction would

suffice. With a soul-searching review of successes and failures, Dukakis declared:

We are painfully aware the system of care envisioned in 1966 is not yet fully developed. Many areas of the Commonwealth lack emergency screening and crisis services; housing opportunities for chronically mentally ill persons remain extremely limited; and little support is provided for families caring for mentally ill relatives. Hospital care for those needing acute or long-term psychiatric treatment does not in many cases meet even marginally acceptable standards. We are all well aware of the tragic plight of homeless mentally ill.⁶⁸

Dukakis's speech, so typical of him, was objective, detached, and measured and clearly the result of long reflection. It boosted the morale of those who labored anonymously in the field of mental health. The governor bestowed on them the public recognition and appreciation that was long overdue. George Sigel, the medical director at Met State, who had served on the steering committee, was more than pleased. His reaction could be noted in the press. "We are overcrowded and operating at two-thirds of the staff we need. The hospitals have been neglected. This is the first expression the work we do is of value there has been in years."⁶⁹

Dukakis was then riding the crest of his power and popularity in Massachusetts. In 1986 he was easily reelected to a third term as governor with an overwhelming majority. He had the best of both worlds. With a prosperous state economy, there was plenty of money to go around and no reason to rock the boat. Presidential ambitions may have made him more accessible to group pressures. In any event, a master plan for each state hospital was developed during 1986 and the first phase of improvements actually began. For instance, the boilers and oil pumps at Met State were replaced. Systemwide improvements were to be completed over the next five to seven years. In order to expedite the planning and design review process for hospital renovations and new construction, a waiver of the determination of need certification was obtained.

But financial and political constraints prevented Dukakis from delivering on the recommendations. Three factors doomed his revitalization efforts. First, wrangling over the proposed plan of state representative Angelo Scaccia to redevelop Boston State Hospital hurt badly. Chapter 579, which mandated the process for disposition of surplus property, required the participation of local officials and citizens from the communities in which the vacant land was located. In this case, the citizens' advisory committee got bogged down in petty squabbles and could not put its act together. Second, legislative inertia caused considerable delay and inaction. Stalled for two years in the General Court, the \$340-million capital appropriation was not passed until the spring of 1987. Third, and by far the most crippling blow, the state economy suddenly went from boom to bust.

In 1987, when the state economy was still booming, Dukakis decided to run for president largely on the strength of the Massachusetts "miracle." The governor not only lost his ill-fated presidential campaign in November 1988, but George Bush's attacks on his record damaged his reputation as an efficient manager. Then the climate changed as the state's inflated economy began faltering. Tax revenues fell well below projections. Hard pressed for resources, the state raised taxes and cut services. Johnston was forced to make budget cuts totaling \$1 billion and to eliminate 5,000 human services positions from a base of 30,000 jobs. Bowing to reality, the governor abandoned the struggle. As Johnston recalled, "We were barely under way when the bottom dropped out of the Massachusetts economy and our project was stopped in its tracks."⁷⁰

Despite his public pronouncements, Dukakis was unable to deliver. Curiously, the human services community did not attack him the way it had done during his first term — this was no time for recriminations. Motivated by a desire to cast himself in a favorable light, Dukakis was eager to maintain a liberal image in his search for higher public office. Disagreements and disappointments were papered over in the interests of party politics. The truth is that neither the governor nor family members wanted to close any more hospitals.

Although a cadre of distinguished people was actively involved in the Dukakis administration, ideologues came to the fore in policy matters. In May 1988, at the height of the presidential primaries, the Department of Mental Health joined forces with the state Alliance for the Mentally Ill in promoting an antistigma campaign. As its central theme, this campaign sought to prevent the need for isolating mental patients from the community, an issue on which the governor and the antistigma ideologues parted company. The latter viewed him as trying to rebuild the institutional settings that had created the problem in the first place. After the failure of the Mental Health Action Project, the promising coalition of citizens, politicians, administrators, and experts broke apart. The steering committee dissolved and the impact of its ideas on mental health policy was negligible.

The History of Metropolitan State Hospital before Closure

Now let us turn to a brief chronicled history of Metropolitan State Hospital. In 1927, two years before the Great Depression began, state officials purchased 378 acres of pristine farmland in the western suburbs of Boston. This property, then valued at \$68,922, intersected the municipal boundary lines of Belmont, Lexington, and Waltham when these suburbs were quiet farming communities. The rural landscape contained rolling hills, woods, and streams. Stone walls that once formed boundaries between farms still remain with their symmetry and beauty. It was typical New England countryside out in the boondocks. Under construction from 1927 to 1935, the sprawling hospital complex took eight years to build at a cost of \$1.8 million. Some of the work in the later stages was done by the Works Progress Administration. At the time it was considered the most modern mental health facility in the nation.

Groundbreaking for the administration building took place on December 27, 1927. Two years later, on December 26, 1929, the first thirty-six patients were transferred from Grafton State Hospital to Met State, whose official opening was celebrated on October 29, 1930. Among the dignitaries on hand for this occasion were acting superintendent Clifford Moore, Governor Frank Allen, and former Governor Alvan T. Fuller, the latter two governors stalwart Republicans. This was a transition year that marked the end of the old political order and the coming of the New Deal in Massachusetts. Democrat Joseph Ely was elected governor in 1930. Yankee hegemony was beginning to give way to the Irish political ascendancy, though the Republicans still dominated the state legislature. Irish Democrats like James Michael Curley and Charles Hurley soon followed Ely into the governor's office.

The original group of seventeen buildings that comprised Met State included the medical-surgical building with its dome top and six patient living areas, which was not completed until 1935; the service and cafeteria building where food was prepared and served; the continuous treatment group (CTG) building for patients; and two large em-

ployee dormitories. The heating plant, originally fueled by coal, was later converted to fuel oil. An elaborate system of underground tunnels, which ran beneath all these buildings, carried the steam lines, enabling employees to travel from one building to another during inclement weather and to transport food the same way. The Furcolo building, named for the deceased wife of a sitting governor, was added in 1957. There were two single-sex admission wards, one for women and the other for men. Chronic patients were sent to the back wards. Met State was a hospital within a hospital, treating patients with both mental health and general health care.

The massive CTG building provided eight wings of patient accommodations connected by a continuous circular corridor. Each wing had three wards, a total of twenty-four, which were lettered alphabetically. At the center of the complex was a secure courtyard, used for recreational purposes, whose orientation provided significant advantages to the patients and staff with controlled access to all parts of the facility. The individual wings afforded each ward a secure open porch area with a southern exposure for maximum sunlight and fresh air.

This new enterprise started well. The hospital, designed for a physical capacity of 1,248 beds, admitted some 1,182 patients in 1931. They were to require a minimum of staff supervision and were expected to participate in work programs such as agriculture, laundry, and hospital industries. By 1932 Met State already exceeded its capacity with 1,315 patients. Some 45 acres of land were under cultivation as part of its working farms, which continued to operate until the late 1960s.⁷¹ In the depression-ridden thirties, the hospital was partially staffed with working patients from other hospitals. Regular employees, who lived off campus, had to get to and from work on their own since no direct public transportation was available. Hospital administrators tried for years to obtain some kind of bus service, but to no avail.

Several hospitals were located in the immediate vicinity. Nearby were both the Fernald School for the mentally retarded and the Middlesex County Hospital, the latter established in 1930 as a tuberculosis sanitarium. McLean Hospital in Belmont was a short distance down the road. Adjacent to the Met State campus was the Gaebler Children's Center, a sixty-bed facility built in 1952. It accepted referrals of emotionally disturbed children from across the state. In 1984 Dukakis signed an executive order prohibiting the placement of citizens under the age of nine in adult mental hospitals. Although Gaebler was a separate entity, it shared Met State's laundry, pharmacy, ground-keeping crew, and engineering and electrical staff.

On entering the Met State grounds, one could not help but notice the name of William F. McLaughlin inscribed in bold letters above the white portico of the main administration building. Dr. McLaughlin, who served as its dedicated superintendent from 1952 until 1974, was by all accounts an all-powerful father figure and highly respected physician whose entire professional life was wrapped up in Met State. A kind, gentle, and dignified person, McLaughlin lived on the grounds and cared deeply for the people in his charge. Conciliatory by nature, he was not a fighter. He accepted his lot and rarely clamored for more funds or complained but did the job with the resources at hand. He left the day-to-day management of the hospital to his administrative assistant Paul O'Leary with whom he operated as a team. Afflicted with poor eyesight, McLaughlin used a magnifying glass for reading. Whatever his shortcomings as a superintendent, he inspired people to accomplish what they otherwise would not have done. Beloved by his staff, he was the last of a vanishing breed of superintendents who attended to patients and made their rounds on the hospital wards. The patient population at Met State reached its peak of 2,200 during his tenure.

While at the helm, McLaughlin succeeded in maintaining the hospital's Joint Commission on Accreditation of Healthcare Organizations (JCAHO) accreditation, which assured a steady flow of federal funds, but state money gradually diminished, much of it reallocated by the central office to other hospitals. With tight budgets, state funds slowed to a trickle, forcing deferment of physical maintenance. This inevitably produced deteriorating conditions, a long-term difficulty. Personnel, with its high rate of turnover, was always a major problem. According to Jack MacDougall, who served as personnel director from 1971 to 1989, staffing levels had fallen from the normal standard of 1.3 staff for each patient to .3 staff per patient during the Dukakis years.⁷² Staff shortages necessitated the use of prison inmates from nearby Concord, who were transported to and from the hospital on a work release program, for general duty.

Although McLaughlin did not officially retire until September 1978, he had stepped down as superintendent four years earlier. He was followed by a succession of ten administrators with various titles: Arnold Abrams, Ernest Cook, Barbara Hoffman, Melvin Tapper, Frank Karlon, Katherine Olberg, and Phyllis Oram. Audrey DeLoffi, who took over in December 1985 and was given the new title of chief operating officer, was succeeded by Fernando Durand and Marylou Sudders. Nothing better illustrates the managerial turnover problem than this line of succession from 1974 to 1992.

There was a pattern of incompetence and poor management. Met State lost its JCAHO accreditation in 1980, and from then on it was all downhill. By this time the physical plant was in bad shape, incrementalism had taken its toll, and patients complained about poor heating, poor ventilation, lack of air conditioning, foul odors, and filthy conditions. Only three of the seventeen original structures still housed patients. The aging buildings were falling apart: crumbling bricks, leaking roofs, and a wasteful heating system characterized their physical deterioration. In August 1983 the hospital was forced to operate without running water for two days, a debacle that occurred when a fifty-five-year-old water pump broke and caused the water tower to run dry.⁷³ Water had to be trucked in by mobile units of the National Guard.

Since the old steam lines had few operable control valves, much vacant space in the abandoned buildings remained heated, resulting in huge energy losses. Other mechanical, electrical, and emergency systems were outdated and inefficient. It was estimated that the hospital wasted about three-quarters of its annual \$1.7-million heating budget.

Citizens who sat on the Cambridge area board were outraged by such waste, for they took their citizens' monitoring role seriously. While observing patients huddled together in dilapidated wards and dingy day rooms, board chairman Bruce Houghton told a group of visiting state legislators in April 1984, "These people are at the end of the line, the last to be deinstitutionalized, the last to get other services. Some are violent. Others have no place else to go. If any were covered by medical insurance, they wouldn't be here. But no one questions whether they are better off here than as victims of the street."⁷⁴

Many other illustrations of Met State's dilapidated and rundown condition could be cited, but a few more examples will suffice. The superstructure supporting the wooden roof of the Furcolo building had rotted to the point where it was deemed structurally unsound; engineers feared the roof might collapse with a heavy snowstorm; the elevators frequently failed to work, which meant that physically disabled patients had to be carried up- and downstairs during fire drills; the electrical wiring and lighting were wholly inadequate; spare parts were hard to obtain; and water faucets had to be removed from one building to repair those in another.

Virtually no aspect of the operation was functioning at acceptable federal standards. Most experts agreed that the cost of restoring Met State to meet these requirements was prohibitively expensive. Even executive office health and human services secretary Philip Johnston admitted as much. In April 1989 the Division of Capital Planning and Operations hired an engineering consulting firm to study the problem. The engineers estimated the restoration cost at \$38.8 million.⁷⁵

Some sixty-six acres of the hospital property adjoined the Beaverbrook reservation, an area that had been designated as a protected wetland. When a fuel oil spill near the boiler building had been detected by the Department of Environmental Protection, it had cost the state \$30,000 to clean up this hazardous waste. There was also a paupers cemetery where some 300 deceased patients from Met State and the Fernald School had been buried. Instead of traditional headstones, their graves were marked with small concrete blocks that identified them by patient number and religious preference, but client names were kept on file with their numbers. Many towns and cities openly resisted the siting of housing for the mentally ill, but Waltham, which had repeatedly demonstrated its support for the hospital and its clients, was an exception. While local town and hospital relations were relatively good, the three surrounding municipalities hardly communicated with one another. The typically narrow perspective of local governments found them preoccupied with their own problems and conflicts over zoning and land use issues.

Met State Rocked by Scandal

What goes on inside a state mental hospital is typically a mystery to the public and elected officials alike until dramatic events draw attention to it, usually when a dangerous patient escapes or when a scandal breaks. Such incidents usually prompt an investigation and sensational media coverage. A major scandal occurred at Met State in February 1990, when four male employees — a security guard, a mental health worker, a nursing supervisor, and a plumber — were charged with having sexually abused five female patients. This sordid affair reached into a fairly high level of management, and the story was widely reported in the local press.⁷⁶

Initially, DMH conducted its own internal probe. Scott Harshbarger, the Middlesex County district attorney, then made a separate investigation. Charges were filed against the accused, administrative hearings were held, the four state employees were found guilty, and all were fired for cause. In addition, thirty-one other hospital employees who knew about the incidents were reprimanded for having failed to report the sexual misconduct, which they were required to do by law. Under fire to clean up the mess, Audrey DeLoffi resigned as chief operating officer. She was replaced by Fernando Duran, who took charge for a brief period, staying long enough to sign the disciplinary actions.

Marylou Sudders, who had been recruited by assistant commissioner Katherine Olberg, replaced Duran. Sudders was a social worker and the area director for central Middlesex County. Interestingly enough, although she had never worked in a state mental hospital, Sudders was brought in to close Met State.⁷⁷ Her more immediate objective was to improve the patient environment, and she moved vigorously in the first months to meet this goal.

Adept with people, Sudders proved herself an able administrator. She realized that the repercussions of the sex scandal had seriously damaged staff morale. Most em-

ployees felt they were victims of guilt by association. Working in an atmosphere of suspicion and intimidation, they all felt tainted. As she struggled to take the initiative, Sudders decided to address the problem head on, her goal being to change the culture. On November 30 she sent the staff an initial memo detailing her position in terms of what she expected of them by way of improving patient care, upholding patient dignity, and protecting patient rights.⁷⁸ Whatever the inspiration, Sudders's statement allayed the fears of some, but the issue would not go away. Many employees still believed their thirty-one coworkers had taken a bad rap.

The Transition Team Develops a Plan

When the fiscal crisis broke in October 1990, Henry Tomes, who had succeeded Edward Murphy as mental health commissioner, realized that he had to solve a specific problem his organization faced. Because of sharp reductions in state funding, he discovered a \$10-million deficiency in the Met State operating budget. Tomes decided that the only way to recoup this revenue shortfall was to downsize the hospital. He therefore asked Rae O'Leary, the Metro West area director, to devise a plan to compensate for the deficiency, expecting her answer within an hour. Agreeing to do it, O'Leary mapped out a plan later that evening at home.⁷⁹

The major responsibility for this downsizing initiative rested with the Metro West area. In September 1990 a total of 827 employees worked at Met State, approximately 475 of whom were direct care staff (415 nursing personnel and 60 clinicians). Of the total full-time equivalents, 53 percent were minorities, mostly Haitians, who worked in food service and housekeeping. As the newest wave of urban immigrants, they were the only people who would accept such low-paying, menial jobs, and they experienced various cultural barriers. Since the Haitians were assigned entry-level positions, they ranked low in seniority and civil service status and their bumping rights were affected accordingly.

A veteran of the Foxborough State Hospital closing in 1975, Rae O'Leary was a career psychiatric nurse who had climbed through the ranks in the Department of Mental Health. A tough bureaucratic infighter, she not only knew the territory but believed that anything could be done if managed correctly. In her view, the client always came first. O'Leary detailed the specifics of her plan in a public document and identified a set of key functional areas that needed to be addressed. These included the clinical process, human resources, labor relations, legal issues, communications, physical plant and property, and administrative operations. O'Leary felt that a specific work plan for each area had to be developed before any client transfers could be made. In budget and management terms, she analyzed the problem as follows:

The budget reduction which would occur January 1, 1991, resulted in the ability to fund only 439 staff, a reduction of 288 [full-time employees]. This, in turn, defined the number of clients who could be cared for at the facility. With an overall staff to patient ratio of 2 to 1, a marginally acceptable level, 220 clients could be cared for by a staff of 439. Therefore, the census would need to decrease from 400 to 220, a reduction of 180, during the nine-month period between October 1990 and June 1991.⁸⁰

For O'Leary the next step was putting together a transition team that could do the job. Anticipating opposition that might emanate from DMH headquarters, she sought ways of effectively neutralizing this threat by placing central office staff as liaison on

the key functional areas of the transition team. Acting as chair of the team, she persuaded Dan Nakamoto, assistant commissioner for community programs, to serve as liaison to her. She then picked the following personnel and gave them their assignments. They included Marylou Sudders, clinical concerns and placements; Connie Doto, patient transfers; Maryellen LaSala and Jeff McCue, labor relations/human resources; Doris "Chip" Carreiro and Richard Ames, legal affairs; Brian Devin, administrative operations; Lauren Flewelling and Mary McGeown, internal and external communications; and Peter Callagy, physical plant and property. Their participation proved critical in the development and execution of the plan.

At their initial meeting, O'Leary assembled everyone in a room and explained her ideas about downsizing the hospital. At the end of her explanation, she told them bluntly they could either accept the challenge or they could leave. She also let them know that she would be as committed to them as they were to her. This kind of loyalty inspired motivation. No one left the room. As Doris Carreiro recalled, "Rae's brilliance was in her capacity to recognize the people who could get things done."⁸¹ More basically, O'Leary wished to manage and was ready to move.

With O'Leary in charge, the transition team became the symbolic hub of the wheel that moved the operation forward. The next step was to articulate a set of principles to guide them in their decision making and other activities. The team defined these principles as follows: (1) the process must be client focused, sensitive and clinically appropriate; (2) no client will move to a treatment setting clinically less appropriate or in poorer physical space. In most instances clients will move to improved care in improved space; (3) the process must be open to allow input and assistance from affected individuals, including clients, involved citizens, families, staff, providers, etc. The communication system must be ongoing and impeccable; (4) the process must be sensitive and supportive to staff whose positions have been defunded but who are responsible for client care during the phasedown. Layoffs will occur only as a last resort.⁸²

For O'Leary, recouping the \$10-million deficiency was the defining problem. Brian Devin, the operations manager for the Metro West area, soon discovered that they were \$1 million short of their goal. At first glance, O'Leary worried that this might have been a miscalculation on her part. However, she quickly realized that it was due to the cost of maintaining the Cambridge-Somerville unit, where most of the patients were hospitalized. The Metro Boston area office wanted to keep this unit open. Since the funds followed the consumers, any cost overruns were ultimately rectified by the central office.⁸³

It should be noted that the DMH reorganization in 1990 had strengthened O'Leary's hand. In her capacity as Metro West area director, she was placed in charge of two hospitals, Westborough and Met State. This situation worked to her advantage, because most Met State patients were eventually transferred to Westborough.

Marylou Sudders was a key actor, a quick study with the capacity to listen and to bring people on board. She managed the daily activities at Met State while O'Leary supervised the interfacility and interagency details. Both were strong-willed women whose managerial styles differed and whose personalities clashed at times, but both were heavily invested in the hospital closing. O'Leary sought greater control, more rigid lines of responsibility and authority, whereas Sudders seemed more flexible and ready to meet unforeseen contingencies. Sudders believed that someone from the Cambridge-Somerville area office should have been put on the transition team.

She saw the issue as being larger than Metro West and felt that other area directors should have been involved. She also felt that the time lines were too tight and too abbreviated.

The Resistance Surfaces

No sooner had the plan been announced than trouble started. The hospital trustees opposed the downsizing, which was hardly surprising. Of the fifteen trustees who served on the board, eight were either mental health recipients or family members. In a statement distributed to employees on November 27, the trustees declared,

As a citizen board, we recognize that the current fiscal crisis in our state requires that some difficult decisions be made, and we also acknowledge that there are some logical components to this plan. However, as advocates of the patients at Met State, we strongly believe that the timetable for implementation is extremely unrealistic and unacceptable.⁸⁴

In disseminating this statement, the trustees had set the tone of resistance for the entire organization.

Internal squabbles among staff surfaced. Most employees considered the transition team a hit squad that was following orders from the central office. Others believed that Met State was being closed as punishment for the sex scandal. Surreptitious obstructionism appeared in the form of an underground newspaper that opposed the phasedown. Its editors, who were identified as the clinicians at Cambridge Hospital, viciously attacked Sudders, derisively referring to her as Queen Boney. Some of this criticism amounted to personal hostility and bitterness. Sudders snuffed out further publication of this house organ by threatening to report its editors to the medical licensing board.

Anonymous and alarming rumors started circulating. Emotional statements were made to the effect that the transfer of long-term chronic patients would result in their death. A review of the literature was launched immediately by O'Leary to determine the validity of such rumors, but there was little evidence to support them. These obstructionist tactics were described by Alan Greene, a member of the Alliance for the Mentally Ill, as "a rearguard action designed to stop the closing."⁸⁵

Much confusion and consternation prevailed. In the midst of all the turmoil, a dangerous patient escaped from the hospital but, fortunately, was captured by the local police within forty-five minutes and returned to the hospital. It was DMH policy to search for a patient on its grounds and to notify state and local police to look for the patient outside the campus boundaries. Once the immediate uproar subsided, Sudders contacted Dr. Mona Bennett at the central office, who had the patient transferred to Medfield that same evening.

Implementing the Phasedown

The initial phasedown began on November 5, when the Central Middlesex area closed its admissions. This decision allowed for the shutdown of a receiving ward on December 17, but the administrators soon realized that it would be necessary to maintain admissions to serve patients from the Cambridge-Somerville area. The Tri-City area

made alternate plans to divert acute admissions to Danvers, which enabled them to close their admissions by January 1. The census at Met State on November 30, 1990, was 382 patients.

O'Leary sensed from the start that the trustees might be a problem. She therefore asked Henry Tomes to meet with them in order to address their concerns and to request their assistance. He did so on November 28 and explained to them that it was his decision to downsize. On January 29, Tomes met with interested family members at Kline Hall and told them essentially the same thing. By so doing, the commissioner took responsibility for the decision and provided a buffer for O'Leary.

At these meetings Tomes specifically addressed the clinical issues along with hardship and access issues. He spoke about plans to install local telephone lines at Westborough and Worcester and to provide a shuttle bus service between the two hospitals. An independent psychiatrist was identified to review individual hardship cases. A contact person was identified at each hospital for family questions and concerns. Family support meetings were scheduled at Met State. A patient transfer packet was developed and distributed to unit directors and department heads. Arrangements were made for patients to have their funds and medical records transferred, to have their pictures taken prior to transfer, and to have luggage purchased for them. These steps were taken at the end of the third Dukakis administration, when the economic life and social structure of the state were undergoing wrenching change.

The Legal Barrier

While Fernando Durand was still in charge, the Cambridge and Somerville Legal Services had filed a class-action lawsuit on behalf of Joann Dottin and seven other patients who were in custody at Met State. The suit charged state officials with failure to release them and to provide appropriate community services. These patients were ready to be discharged, but DMH was unable to place them. Among their lawyers was Steven Schwartz, who had argued the Northampton case. Counsel contended that their clients were being held illegally.

Realizing that this litigation (*Dottin v. Dukakis*) could complicate things and bring the phasedown to an abrupt halt, Richard Ames, who was general counsel for DMH, set up a meeting with the plaintiffs' lawyers. At this meeting Doris Carreiro, Rae O'Leary, and Marylou Sudders presented the transition plan. During these prelitigation negotiations, Ames and Carreiro were able to persuade counsel for the plaintiffs to hold the case in abeyance. The latter agreed to cooperate if they could exercise some kind of veto power in the community placement process. This agreement allowed the phasedown to go forward without further delay.

Interestingly enough, both Marylou Sudders and Katherine Olberg provided testimony by way of an affidavit on behalf of the plaintiff, whereas Rae O'Leary testified on behalf of the department because it was in her view the "right thing to do." As it turned out, the legal issue never came to a head because DMH found community placements for all but one of the eight patients, who, it was determined, required continued hospital care. So she was transferred to Medfield.

Once this major hurdle had been cleared, the phasedown proceeded on schedule. All patient records were carefully reviewed for legal status, guardianship status, and the need for in-court decree modifications. Judge Kevin Doyle of the Waltham District Court agreed to hold special court sessions for cases needing review or modification

prior to transfer. Transfers were made pursuant to law (Chapter 123, section 3). Few, if any, patients contested the transfers.

Met State staff attempted, where possible, to elicit patient input in the process of planning for new community programs and services. Patient ideas concerning transfer options were also elicited. In addition, patients assisting in planning their discharge into the community retained the right to refuse specific placements during the planning process. Once patients were discharged, they were systematically tracked by DMH for ninety days.

The Transfer of Patients

The medical director of Westborough met with Met State clinical staff to review clients identified for transfer on December 7. A reciprocal meeting was held at Westborough the following week. On January 2, 1991, two weeks before Governor William Weld was sworn into office, the initial twenty-five patients were transferred into existing vacancies at Westborough, where a new ward was established later that month to accommodate an additional twenty-five to thirty clients.

Simultaneously, a request for proposal (RFP) was issued for forty-two residential beds in the Metro West area and eight residential beds in the Cambridge-Somerville area. Another sixteen-bed RFP was issued by the Metro North area. Area staff were involved in site searches with local realtors and Community Development Corporation housing partnerships. In addition, a twenty-bed housing program was set up on the Met State campus. It was comprised of three homes that were scheduled for occupancy in January and February of 1991.

Once the phasedown began, the work and commitment of hospital employees allowed for the supportive and orderly transfer of patients. The first few months were the most difficult, mainly because the institution was still reeling from the sex scandal. Local telephone lines for towns surrounding Met State were installed at Westborough and Worcester hospitals, thus facilitating family-to-client and client-to-client communication at no increased expense. A twice-a-week van service was established. Family support meetings run by Worcester and Westborough staff were begun at Met State and transferred to the receiving facilities.

In terms of a media strategy, Sudders did not talk with the press unless she first cleared it with the central office in Boston. She was very protective of the hospital and relied on the clinical leadership to keep the ranks together. Obviously, there was considerable disruption in the treatment of patients, but they continued to receive their medications and psychotherapy.

The transfer process was difficult, even heart wrenching, with mistakes being made, plans being changed and modified, and unexpected events being encountered. According to Sudders, the toughest decisions involved which patients to send to other hospitals and which to send to community settings. Dr. Kenneth Minkhoff, brought in as a consulting psychiatrist to review difficult placement cases when the staff could not reach consensus, was assisted by Marilyn Berner, a clinical social worker and lawyer. They evaluated individual situations and made their recommendations accordingly. The purpose of this independent review was to obtain another opinion to help reach consensus rather than to override an unpopular decision.

Those patients who were ready for community placement were accommodated in new residential and day programs in their area of origin. Since they originated from

Metro Boston, Metro West, and the North Shore, these three areas were where the new residential expansion took place. Some 311 new residential beds were developed between fiscal years 1991 and 1992. Three other state facilities — Danvers, Medfield, and Westborough — received patients who needed continued inpatient care. These institutions developed new community programs and quarter-way houses to accommodate their patients awaiting discharge, which enabled creation of sufficient inpatient bed space for Met State transfers.

The transfer to Danvers presented a special problem. Careful consideration was given to the fact that patients were being moved from one closing state hospital to one that was scheduled to close six months later. Since the newly built psychiatric unit at Tewksbury Public Health Hospital was not ready for occupancy, these patients would have to be moved twice. This troublesome issue was thoroughly discussed with family members and the affected patients, and only with their concurrence would this move take place. Rae O'Leary strenuously objected to this decision. Given the overcrowding and understaffing at Danvers, she felt that the double move violated the principle of providing an equal or better setting.

The Reduction in Force

Hospital employees who received a reduction-in-force notice were understandably alarmed at the prospect of losing their jobs, their main fear being loss of job security. In the early stages, DMH provided fourteen days' notice to employees opting for a voluntary layoff or those who felt the impact of the layoffs because they received no reassignment or bumping options.

At the outset, the employees encountered a cold, impersonal bureaucracy that was maddening. In their eyes, DMH exhibited what seemed to them a callous disregard of their self-worth and their many years of loyal service. In short, they felt devalued. Some blamed the stupid bureaucracy or Governor Dukakis for their predicament. Others felt that privatization would never happen or that they could wait out the Weld administration. They were counting on the legislature to oppose the closing and to protect the unions. Many adopted the attitude "We won't believe it until they put a padlock on the door." A lot of people were stuck in denial, buried "knee deep in the big muddy."

While sensitive client care and clinical integrity of the process remained the top priorities for administrators, appropriate planning for staff ran a close second. During the phasedown and closing process, significant efforts were made to avoid the necessity of staff layoffs. To begin with, Rae O'Leary persuaded Henry Tomes to place a hiring freeze throughout the system and to give first consideration to Met State employees for transfer. On November 26, deputy commissioner Stephen Day issued a memo to all area directors, which read in part:

Consistent with the movement of patients from Metropolitan State Hospital to clinically appropriate settings, there is a resulting need to lower staffing levels within this facility. The coordination of these staffing reductions with the lowering of the hospital census poses unique obstacles which can best be addressed by the transfer of affected employees. While it may not be possible to avoid layoffs totally at Metropolitan State Hospital, it is the position of the agency that every avenue will be exhausted for accomplishing these reductions before proceeding to layoff activities.

Utilizing the transfer language which already exists with union collective bargaining agreements, all DMH Areas will be required to provide priority consideration to Metropolitan State Hospital transfer requests. Accordingly, no positions are to be filled without full and fair consideration of appropriate Metropolitan State Hospital transfer requests.⁸⁶

This memo started the ball rolling and set into motion a series of events arranged mostly by Jeff McCue and Maryellen LaSala. Their main objective was to develop a personnel work plan whereby the least number of employees would be laid off. They discussed their plan with labor union officials and solicited their feedback regarding staff bidding for jobs.⁸⁷

Several staff meetings were held for the purpose of answering employee questions. An informational booth was set up to advertise employment opportunities and to assist with résumé writing. The Career Counseling Center in the Division of Employment Training held employee seminars on site. Hospital job fairs were also scheduled. As of December 11, 1990, there were fifty-seven requests for transfer on file, and forty-eight informational postings had been received. Somewhat later, a day-long seminar on retirement was offered by William Farmer of the State Retirement Board.

Meanwhile, Marylou Sudders appeared on the wards almost daily, her presence an important factor in calming tensions. She made it a point to visit all rotating work shifts at least twice each month to talk with staff and to answer their questions. Informal conversations and observations were as important as the formal ones. Sudders was ready to provide information, squelch rumors, listen to complaints, give moral support, soothe the ruffled egos, and deal with people who were angry and upset. The staff needed to know what was happening in the community as well as the hospital. Even partial information, if it was true, was better than none. Bulletin boards, in locked glass cases, provided the latest information on the opening of community programs, movement of clients, current census data, and so on. Printed updates were occasionally distributed with the payroll.

A combination of fiscal carrots and market forces were employed to implement the reduction in force. Negotiations regarding a bonus incentive program and an early retirement option were under way. Employees who elected voluntary layoff received a lump sum cash payment of \$2,268, based on their health insurance costs, an option that proved attractive to many workers. They were also eligible for unemployment compensation. In the interest of clinical continuity and stability, DMH granted an extended notice period for voluntary layoffs. An early retirement program soon became available. The bonus incentive program, however, was not approved. It was turned down by Peter Nessen, the secretary of administration and finance, who viewed the bonus idea as not cost effective.

On November 14, 1991, Rae O'Leary sent commissioner Eileen Elias a status report that stated,

Our initial commitment to staff to avoid layoffs during the phasedown did not appear to be realistic when the hospital closure was being confronted. Now, however, our optimism is again increasing. We intend to make every effort to provide employment options to Met State employees who are interested in such options.⁸⁸

In the end, most opted for them. The following data summarize employee attrition from the phasedown through the closing:

Transfers within DMH	365
Transfers to other state agencies	22
Mothball crew	27
Voluntary layoff	240
Retirements	40
Resignations	38
Laid off (no bumping option awarded)	17
Functional eliminations	27
Discharges	12

Of the 365 transfers, 153 staff were transferred laterally with the patients, and 68 were bumped into other facilities as a result of the functional eliminations. Of the 240 voluntary layoffs, 183 were processed after December 13, 1991, and 166 employees met the eligibility criteria for the insurance incentive. All vacation and incentive cashouts were completed on February 20, 1992. Only 17 employees were laid off. Only one grievance was filed, and that was an affirmative action complaint. When an early retirement plan was put into effect in July 1992, forty employees took advantage of it.

From Phasedown to Closure

As of June 19, 1991, the same day that Governor Weld's special commission released its report, the census at Met State was down to 207 clients. For all practical purposes, this concluded the phasedown. The next day Commissioner Elias, who had just been appointed, visited the hospital to announce to families and staff that it would be closed, a traumatic moment of truth. Because to this point no one had told them about the closing, this unenviable duty fell to Elias who broke the news as best she could. She spoke about the death of an institution and the grieving process that has to accompany it. One participant described her visit as a wake.

Movement of patients continued throughout the summer and fall of 1991. As of November 19, the census was down to 180 patients. By this time 324 employees had left, and the remainder of patients and workers would leave within the next two months. The other significant development was the opening of a DMH replacement unit at Cambridge Hospital. A contract was signed on December 16 to provide seventeen acute-care beds to accommodate Cambridge and Somerville patients.

As Metropolitan State headed for closure, there was an increase in petty theft as some wards were closed. This was stopped by moving all furnishings and equipment from the unit and sealing off the closed area immediately after the last patient had left. When all was said and done, the final displacement of the 382 patients was recorded as follows:

DMH inpatient transfers	163
DMH community placements	156
Admissions diversion	37
DMR community placements	14
Long-term-care placements	5
Other	7

On January 25, 1992, the last group of patients and staff was moved out and relocated. Six days later, with the hospital wards completely empty, Marylou Sudders

invited the trustees and a few special guests to lunch. Afterward she bid them farewell, packed her personal belongings, and locked the hospital doors. The previous day, she had sent a letter to all employees, paying tribute to them for their professionalism and their caring in a job well done. Sometime later, Commissioner Elias met with a group of mental health professionals. At the end of the meeting, Catherine Dunham, who had served under Dukakis, shook hands with Elias and congratulated her by saying, "You have achieved what we tried for so many years to accomplish, but we were unable to do."⁸⁹ It was a gracious gesture.

On that poignant note, the history of Metropolitan State came to an end. The skeleton crew then put the facility in mothballs. Vacant and boarded up, the hospital currently resembles a ghost town. Former patients seeking to gain reentry occasionally return. Over the past few years, the three adjoining municipalities, the state Division of Capital Planning and Operations, and the Metropolitan District Commission have reached a consensus with regard to the disposition of the 346 acres of abandoned property. There is something in the reuse proposal for each town: conservation land for Belmont, a nine-hole municipal golf course for Waltham, and affordable housing for the elderly in Lexington. The golf course will be designed to have the least impact on the natural environment, preserving wetlands and providing for minimum deforestation of Mackerel Hill. At this writing, legislation to this effect is pending before the General Court.

Evaluating Policy Implementation

As may be seen from this sweeping historical review of mental health care in Massachusetts, different eras are defined by different problems. From the start of the first state hospital in Worcester in the early 1830s until the Civil War, the problem was social control and institutional care. From the Civil War until the New Deal, the problem was growth and expansion of public asylums. From the New Deal until the New Frontier, the problem was skyrocketing admissions and warehousing of patients. From the New Frontier until recently the problem was deinstitutionalization and community programs. The defining issue of today's era is privatization and public managed care.

Once a state assumes responsibility for a public function, it cannot easily discard it. The policy conundrum of providing institutions of last resort makes disengagement that much more difficult. The obsession with state hospitals blinded participants to the protection of their own interests and distorted their understanding of the new realities that have emerged in the past several years. Other states, for example, Michigan and New Jersey, have attempted to close their mental hospitals, but they have not been successful.

In the effort to restructure mental health in Massachusetts, ideology did prevail, and the workings of the system in a managerial sense improved. Most important, the consequences of its implementation on community life were anticipated and dealt with responsibly. What had gone wrong with deinstitutionalization did not go wrong this time. The major policy achievements closely followed the classical implementation scenario. Policy goals were stated in such precise terms as "Four mental hospitals to be closed by 1993." Policymakers and implementers — the governor, the health and human services secretary, DMH, some of the mental health lobby — shared these goals, and the entire general public supported this policy. Power to control the implementation process was centralized hierarchically. The implementers were granted the technical authority and possessed the technical competence for carrying out the policy goals.

Crisis alone can empower. An early reckoning of the impact of budget reductions and

simplified management showed that the Elias strategy was working. The extremely tight time constraints permitted those in charge to decide on and implement the closure policy without prolonged debate. Policy goal attainment required bold leadership and the political will to stay the course. Previous administrations had faltered and stumbled for lack of such will. In a major restructuring of this kind, the commissioner is definitely on the hot seat. Eileen Elias took most of the heat and pressure. As she says, "Managing change in a public bureaucracy necessitates determination, tenacity, vision, strategic and systemic planning, and implementation."⁹⁰

In both reducing spending and consolidating hospitals, the Weld administration achieved substantial success. In the first three years, the total savings were \$62 million. Thirty-four million dollars were used to expand community-based services and \$26.7 million to develop replacement units. Furthermore, the commonwealth avoided the expenditure of \$43.7 million in capital resources that would have been needed to bring the closed mental hospitals into compliance with federal certification and accreditation standards. The Department of Mental Health generated \$17.9 million in new revenues as a result of its initiatives and saved \$11 million in state employee health insurance costs for a net state cost savings of \$69 million. Unlike what occurred in previous efforts to deinstitutionalize, this time the resources followed the consumer.

Completing tracking studies of patients who had been discharged helped to assure that they did not slip through the cracks. According to DMH tracking data, from July 1991 to the end of 1992, a total of 963 patients were discharged or transferred from the three adult hospitals. Of this number, 312 were discharged to DMH-funded community residences, 274 were placed with their families, nonfamily members, or in independent living settings, 255 were transferred to another state facility, and 114 were moved to other treatment facilities. Only two patients were discharged to the street to become homeless persons. Replacement units for acute care were set up through contracts with general hospitals, which resulted in a significant drop in the length of stay. State hospitals had longer stays, while general hospitals had much shorter ones. Less than 6 percent of the state employees who worked in the system were laid off. Most of the others were absorbed elsewhere in the system or hired by private providers.

Much of the program duplication and overlap that existed within the system was substantially reduced so that the fiscal and management goals were substantially realized. However, as Barbara Leadholm and Joan Kerzner point out,

The restructuring of the system has not come without a price. Along with the successes, there were some unavoidable disruptions in services. Hospital closures, consolidations, and privatization resulted in the dislocation of some staff as a result of layoffs and bumping, and particularly affected vendor-operated community clinics to which DMH clinical staff had historically been assigned. This practice was discontinued in June 1991 when the Department cashed out the state positions. The clinics (and subsequently, a number of clinical staff) were offered contract funds instead. Not unexpectedly, clients of these clinics and their family members resented the disruptions and the uncertainties regarding continuity of care.⁹¹

The apparent success of the Met State closure is instructive as the way to go. It provided the textbook school solution to the problem. The entire operation worked almost to perfection. From an insider's point of view, Doris Carreiro felt that the plan was executed superbly from start to finish. Scholars have usually applied three criteria to

evaluate policy implementation. They are efficiency, effectiveness, and equity. Using these criteria, I would give the implementers generally high marks for their performance. The transition team led by Rae O'Leary and Marylou Sudders deserves much of the credit for planning and implementation. It elicited trust and performed well.

The efficiency criteria attempt to evaluate quality of performance usually in relation to cost. Here the statistics generated by the Met State closure between fiscal years 1990 and 1994 reveal the following: state funding savings, \$28.9 million; inpatient replacement cost, \$2.3 million; community expansion cost, \$7.1 million; revenue enhancement savings, \$0.9 million; group insurance savings, \$5 million; and capital cost savings, \$16.7 million. These produced a total saving of \$42.1 million.

The effectiveness criteria attempt to measure consumer and constituency satisfaction. After Met State and Danvers had been closed, the Division of Capital and Planning Operations, the state agency which oversaw the consolidation process, contracted with the University of Massachusetts to interview clients and families of these two hospitals. The purpose of the study was to determine whether the state's promise that clients would have "equal or better" care in their new settings had been fulfilled. A total of 86 clients were interviewed — 59 former Metropolitan State and 27 former Danvers patients. While most Met State patients had been placed into community group homes or apartments, most Danvers patients had been transferred to Tewksbury.

No client interviewed rated his or her current placement as "worse" than the prior hospital placement. In the case of the 59 former Met State clients in community settings, 69 percent rated their overall posthospital experience as "better" while 31 percent rated it as "equal" to their hospital care. In addition, a majority reported that they felt involved and satisfied with the transfer process. The 27 Danvers patients were less positive, with only 30 percent rating their new inpatient setting as "better," while 67 percent rated it as "equal." Most reported little or no involvement in, and lack of satisfaction with, the process of moving from one facility to another.⁹²

Most family members indicated that the client's new placement was "better" than the state hospital in a variety of areas, including living space, facility cleanliness, opportunity for social activities, and privacy. Only a few family members indicated feeling that the closing of the state hospital where their relative had received care had a predominantly negative impact on their family member. Many reported not being informed of the closing or that the client would be moved. Many also felt excluded from discharge planning for the hospitalized relative.⁹³

The equity criteria deal with fairness in delivery of public services. Here the policy mandate in dispute worked better than most critics were willing to admit. For one thing, patients now spend less time in a restrictive setting. Formerly, they could spend anywhere from five months to five years at Met State in a deplorable environment. Closing hospitals was only part of the story. Changes in approaches to care was another important factor, involving looking at mental health from a broader perspective. The problem lay in seeing clients solely in terms of their acute status and not from a recovery and rehabilitation point of view. DMH needed to capture that model. Elias was a commissioner who understood recovery and rehabilitation. During her tenure she won praise from constituency groups for encouraging treatment in the least restrictive settings and for getting patients more involved in their own care. On the fairness issue, the restructuring went a long way toward eliminating the inequities of the two-tier system that had prevailed for so many years. No longer were patients discriminated against because they

were poor or disadvantaged. The practice of "creaming" was eliminated.

The policy jury is still out on the quality and consequences of privatization. Time will tell whether the quality of services has been enhanced. The most severe critique was provided by Robert Dorwart and Sherrie Epstein, who see privatization of mental health care as a fragile balance. They explain,

This tension between whether human services should be supplied because of a public obligation or mission to serve community interests or because of a desire to sell a service in order to generate a profit is one that we believe to be at the heart of many current policy debates in mental health. Pressures toward increased competition and cost containment are likely to exacerbate the stress already building as protagonists wrestle with various options for financing and organizing mental health care.⁹⁴

This stress became evident in June 1995 when a Department of Mental Health internal report of patient deaths and suicides was released on an information request. The data revealed that deaths in the mental health system had risen by 79 percent during the restructuring period from 1990 to 1994. When this information reached the public, it was used by some advocates and the media as evidence to support their position that the public managed-care initiative was detrimental to the seriously mentally ill.⁹⁵

Commissioner Elias, called on to testify and to explain the statistics before the House Post Audit and Oversight Committee, a legislative watchdog group, explained that in 1992 the criteria for reporting client deaths were expanded to include a broader range of people having contact with DMH.⁹⁶ Even though the increase in the reports of deaths likely resulted from this expanded method of collecting data, neither the advocates nor the media accepted this explanation. Instead, they continued to use these data as proof that the restructuring initiative was linked to increased patient deaths and demanded the resignation of Commissioner Elias.⁹⁷

To deal with the problem and to satisfy the Post Audit Committee's desire to get the facts from an unbiased source, DMH commissioned an independent team of researchers to investigate the matter further. More specifically, the researchers were asked to examine the reported increase in patient mortality and whether it was related to the restructuring and public managed-care initiative. The team's report revealed an actual decline in the rate of consumer deaths from 1991 to 1993.⁹⁸

One can argue about the desirability and feasibility of these policies, but they were not just rhetorical or ideological talk; they were in the mainstream of mental health policy and program development. The choice between privatization and state hospitals will continue to require a search for an appropriate balance among competing values where no final resolution is possible. With the amelioration of one problem, new difficulties will emerge, compelling public attention. The restructuring will at least permit a cost-benefit analysis to be debated in light of the Pacheco law. The important question is whether the taxpayers are willing to invest sufficient resources to provide for a broad range of services. Only if the reply is in the affirmative will a comprehensive community support system become a viable entity.

Whatever the possibilities for a new range of services, a few lingering questions remain. Is the state government shirking its responsibilities? Is it evading necessary duties? Is it relinquishing its oversight function? These are sobering thoughts for policymakers to ponder. In the final analysis, the managed-care concept can be made to work, but it depends largely on keeping people out of the hospital.

Epilogue

After the closure of Metropolitan State, Marylou Sudders became head of the New Hampshire mental health system, which was a career move for her. Meanwhile, the pressures on Eileen Elias continued to mount. Despite the tendency to oversimplify events, the media coverage had sparked a public controversy that would not subside. A few high-profile suicides added fuel to the fire. As a result, the Massachusetts Alliance for the Mentally Ill continued to beat the drums for Elias's removal. Under fire, Elias continued to defend her much maligned agency.

In January 1995 Gerald Whitburn was appointed by Governor Weld as the new secretary of health and human services. Whitburn came from Wisconsin, where he had been in charge of public welfare. Elias did not hit it off with her new boss, partly, it was said, because Whitburn wanted his own person in the job. So he leaked a story to the press that Elias had been asked to step down. She fought back and won a temporary stay that allowed her to leave on her own terms. Charles Baker saw to that. Nevertheless, Whitburn continued to press for her removal. On January 9, 1996, Elias announced that she would soon be leaving her post. Three days later, as fate would have it, Marylou Sudders was tapped to replace her as commissioner.

It may all have been a matter of personality, but Elias's abrasiveness and arrogance did not help her cause either. She could not be written off as a puppet of the Weld administration. Her forced departure added to the astounding parade of commissioners who have gone in and out of the revolving door of administrators. From the political perspective of governors, they are deemed expendable. Yet these exceptional civil servants are the unsung heroes and heroines who are often sacrificed on the altar of cynical politicians.

In November 1995 Governor Weld proposed a reorganization of state government in which the eleven secretariats are reduced to five. Moreover, the sixteen state agencies that once comprised the Executive Office of Health and Human Services are consolidated into a family services secretariat containing four separate departments. The Department of Mental Health is slated to be merged into a new Department of Public Health Services. Tinkering with organizational charts and reshuffling agencies may help to rationalize the bureaucracy, but the blurring of agency roles and regrouping them according to function can be viewed as another form of evasion. Ironically, Gerald Whitburn, who fired Elias, was forced out in June 1996. His ouster reinforced the notion that what goes around comes around.

One final comment. In an age of devolution, when control of health care policies and expenditures shifts from Washington to the states, pressures to contain costs and manage the delivery of mental health care will profoundly affect patients and caregivers alike. Steven Marin, the chief executive officer and chief psychiatrist at McLean Hospital, warns,

As third-party payers and managed-care organizations are increasingly involved in determining where, how, and by whom mental health care is to be delivered, the federal government and the state are preparing to reduce their spending for such care, posing new threats to those insured under Medicaid and Medicare programs. Among the affected will be the most socially disadvantaged and severely ill patients in the Commonwealth—precisely those who are least able to protest and/or draw upon other sources of support.⁹⁹

The lives of these vulnerable people haunt the ending of this system reform story. ❧

Notes

1. Clea Simon, "Who Has the Right?" *Boston Globe*, April 21, 1996.
2. This study relies on a wide array of sources — public documents, memoranda, newspapers, and personal interviews with the major participants including four former Met State patients and their family members. They provide us with insights into the main concerns and perceptions of those who were involved. As with all case studies, illuminating and useful as they may be for education and scholarship, the inability of the case writer to screen all relevant facts and the reliance on what participants choose to reveal means that some critical ones are often overlooked. Participant-observers may miss them as well. Even so, this approach at least takes into account the different ways in which the central actors saw the episode and their roles in it. Although none had any obligation to assist me, all were more than helpful. I was given many "leads" and explored each to its end.
3. See Joseph S. Slavet et al., "After the Miracle: A History and Analysis of the Massachusetts Fiscal Crisis," University of Massachusetts at Boston, May 1990.
4. Report of the Governor's Special Commission on Consolidation of Health and Human Services Institutional Facilities, "Actions for Quality Care," June 1991, i.
5. Interview with Carol Upshur, a health care expert who served on the governor's special commission, July 19, 1995.
6. Report of Governor's Special Commission, "Actions for Quality Care," iii.
7. Interview with Bernard Carey, September 22, 1995. See also working paper prepared for the Massachusetts Association for Mental Health by Joseph Finnegan and Donna Mauch, "Restructuring the Delivery of Human Services: Focus on Department of Mental Health," November 1990.
8. Interview with Donna Mauch, November 16, 1995.
9. See Eileen Elias and Marc Navon, "Implementing Managed Care in a State Mental Health Authority: Implications for Organizational Change," forthcoming.
10. For a detailed discussion and analysis of this opposition, see John Laidler, "Storm Calms over Danvers Closure," *Boston Globe*, January 15, 1995. See also Mark Leccese, "Too Much, Too Fast," *Boston Tab*, August 2, 1994.
11. Quoted in Leccese, "Too Much, Too Fast."
12. *Boston Globe*, September 19, 1993. This poll, conducted by KRC Communications Research, which surveyed 400 registered voters on September 9–10, had a margin of error of 5 percentage points.
13. Letter from mental health commissioner Eileen Elias to Department of Mental Health central office staff, June 24, 1991.
14. Report of the Senate Committee on Post Audit and Oversight, "A Review of DMH Policy Planning and Implementation during the Closing of Northampton State Hospital," January 1993.
15. Report of Governor's Special Commission, "Actions For Quality Care," 9, 58.
16. Interview with Charles D. Baker, April 19, 1995.
17. Report of Governor's Special Commission, "Actions for Quality Care," 58.
18. This and the following paragraph follow closely the argument developed in Robert C. Wood, *Remedial Law: When Courts Become Administrators* (Amherst: University of Massachusetts Press, 1990), 13–14. I thank Robert Wood for his permission to use this material.
19. See B. Shaw, "Knee Deep in the Big Muddy: A Study of Escalating Commitment to a Chosen Course of Action," *Organizational Behavior and Human Performance* 16 (1976): 27–44.
20. Interview with Philip W. Johnston, April 7, 1995.
21. For a detailed criticism of the Weld administration's mental health initiative, see Leccese, "Too Much, Too Fast"; see also the newsletter *AMI of Mass.*, no. 38 (Summer/Fall 1991): 5.
22. Interview with Katherine Olberg Sternbach, who was employed at DMH 1979–1990 and served as assistant commissioner of mental health under Henry Tomes, May 18, 1995.
23. Interview with Doris Carreiro, February 16, 1995.
24. Wood, *Remedial Law*, 16.

25. See "Pushing Privatization Too Far," *Boston Globe*, editorial, January 27, 1995.
26. For an excellent history of Worcester State Hospital, see Joseph P. Morrissey et al., *The Enduring Asylum: Cycles of Institutional Reform at Worcester State Hospital* (New York: Grune and Stratton, 1980).
27. For an excellent account of the harsh realities and religious bigotry that confronted the Irish in Boston, see Thomas H. O'Connor, *The Boston Irish: A Political History* (Boston: Northeastern University Press, 1995); see also Oscar Handlin, *Boston's Immigrants* (New York: Atheneum, 1970).
28. David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston: Little, Brown, 1971), 132.
29. Ruth B. Caplan, *Psychiatry and the Community in Nineteenth-Century America* (New York: Basic Books, 1969), 180.
30. J. Michael Moore, *The Life and Death of Northampton State Hospital* (Northampton, Mass.: Historic Society of Northampton, 1995), 3.
31. David Mechanic, *Mental Health and Social Policy* (Englewood Cliffs, N.J.: Prentice-Hall, 1969), 54.
32. Gerald N. Grob, *Mental Illness and American Society, 1875-1940* (Princeton: Princeton University Press, 1983), 74-75.
33. John R. Sutton, "The Political Economy of Madness: The Expansion of the Asylum in Progressive America," *American Sociological Review* 56 (1991): 669. My interpretation relies heavily on Sutton's account.
34. For a chronological evolution of the state mental health care system, see Elizabeth Watson, "Guide to Social Welfare Records," Massachusetts Archives, May 1991, 58-71.
35. Moore, *The Life and Death of Northampton State Hospital*, 12.
36. Watson, "Guide To Social Welfare Records," 23.
37. For a brief history of mental health services in Massachusetts, see "Comprehensive Plan to Improve Services for Chronically Mentally Ill Persons," vol. 1, December 1985, 4-7. My interpretation of the development of mental health policy and programs relies substantially on this source.
38. See Paul Lerman, *Deinstitutionalization and the Welfare State* (New Brunswick, N.J.: Rutgers University Press, 1982), 99.
39. Interview with Hubie Jones, August 23, 1995; see also Report of the Task Force on Children Out of School, "Suffer the Children," Boston, 1972, 5-6. In addition, see Peter B. Edelman, "The Massachusetts Task Force Reports: Advocacy for Children," *Harvard Educational Review*, November 1973.
40. Martha W. Weinberg, *Managing the State* (Cambridge, Mass.: MIT Press, 1977), 192.
41. *Ibid.*, 193.
42. *Ibid.*, 194.
43. Quoted, *ibid.*
44. See Jean Dietz, "Worcester State Hospital Hardly the Worst," *Boston Globe*, February 21, 1985.
45. *Commonwealth v. Wiseman* (1969) Mass. 251. The court order restricted the showing of the film "only to legislators, judges, lawyers, sociologists, social workers, doctors, psychiatrists, students in these or related fields, and organizations dealing with the social problems of custodial care and mental infirmity."
46. Statement by a former DMH employee who requested anonymity.
47. Interview with Joseph Finnegan, September 20, 1995.
48. Mauch interview.
49. Northampton Consent Decree, Civil Action 76-4423-F (ordered December 7, 1978).
50. Jean Dietz, "Mental Health Chief Defends Personnel," *Boston Globe*, February 19, 1982.
51. Report of the Blue Ribbon Commission on the Future of Public Inpatient Mental Health Services in Massachusetts, "Mental Health Crossroads," Boston, May 1981.
52. Interview with Catherine Dunham, December 1, 1995.
53. Interview with Rae A. O'Leary, December 28, 1994.
54. Interview with Barbara Hoffman, August 21, 1995.
55. Laidler, "Storm Calms over Danvers Closure."
56. For a similar critique of deinstitutionalization, see Colin Nickerson, "Reformers' Dream That Went Astray."

57. See Robert L. Okin, "Testing the Limits of Deinstitutionalization," *Psychiatric Services* 46 (June 1995): 569.
58. Quoted in Jean Dietz, "Requirements for a Mental Health Chief," *Boston Globe*, February 9, 1983.
59. Ibid.
60. Interview with James Callahan, October 2, 1995. See also Jean Dietz, "Mental Health Chief Fires 10," *Boston Globe*, November 11, 1983, and Ian Menzies, "Revamping Mental Health," *Boston Globe*, June 11, 1984.
61. Interview with Frank Karlon, August 28, 1995.
62. Joseph M. Harvey, "Patients Win Choice on Drugs," *Boston Globe*, November 30, 1983; see also Jean Dietz, "Bay State Ruling Provokes Debate," *Boston Globe*, December 4, 1983.
63. See "First Interim Report of the Special Senate Committee to Study the Impact of Deinstitutionalization of the Mental Health and Retardation Services in the Commonwealth of Massachusetts," 1984, 9.
64. Johnston interview.
65. Ibid.
66. See Michael S. Dukakis, "A Comprehensive Plan to Improve Services for Chronically Mentally Ill Persons," December 1985.
67. Jean Dietz, "Dukakis May Seek Millions for Mental Health Department," *Boston Globe*, December 3, 1985.
68. Governor Michael Dukakis, "Special Message on Mental Health," was reprinted in "A Comprehensive Plan to Improve Services for Chronically Mentally Ill Persons," 2-3.
69. Quoted in Jean Dietz, "Reactions Varied on New Mental Health Plan," *Boston Globe*, December 20, 1985.
70. Johnston interview.
71. These data are from the annual reports for Metropolitan State Hospital for the years 1931 and 1932. The reports, which run consecutively until 1969, are available at the Massachusetts Archives.
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74. Quoted in Jean Dietz, "Mass. Legislators Tour Troubled State Hospital," *Boston Globe*, April 5, 1984.
75. See Division of Capital Planning and Operations, "Metropolitan State Hospital Final Master Plan Report," vol. 1, March 1989, 04.02.
76. Peter S. Canellos, "Alleged Sex Abuse of Patients Probed by Middlesex D.A.," *Boston Globe*, November 26, 1990; see also Beverly Ford, "DMH Probes Sex Charges at Met State," *Boston Herald*, April 12, 1990.
77. Sternbach interview.
78. Marylou Sudders memorandum to all staff, November 30, 1990.
79. O'Leary interview.
80. Rae A. O'Leary, Metro-West area director, "Metropolitan State Hospital Phase-Down Project October, 1990 through June, 1991," public document, photocopied, 1.
81. Carreiro interview.
82. O'Leary, "Metropolitan State Hospital Phase-Down Project," 2-3.
83. Interview with Brian Devin, October 26, 1995.
84. Memo from board of trustees to Met State Hospital employees, November 27, 1990.
85. Interview with Alan Greene, October 20, 1995.
86. Memo from Stephen L. Day to all area directors, November 26, 1990.
87. Interviews with Jeff McCue and Maryellen LaSala, January 5, 1995.
88. Memo from Rae O'Leary to commissioner Eileen Elias, November 14, 1991.
89. Dunham interview.
90. Elias and Navon, "Implementing Managed Care in a State Mental Health Authority," 20.
91. Barbara A. Leadholm and Joan P. Kerzner, "Public Managed Care: Comprehensive Community Support in Massachusetts," *Administration and Policy in Mental Health* 22, no. 5 (May 1995): 551-552.

92. H. Stephen Leff et al., "Consumer Comparisons of Hospital and Community Care Resulting from Department of Mental Health Facility Consolidation: Results of a Follow-Up of Metropolitan State Hospital Consumers," University of Massachusetts Boston, February 20, 1994.
93. Paul R. Benson, "The Impact of Department of Mental Health Facility Consolidation on Families," University of Massachusetts Boston, February 20, 1994.
94. Robert A. Dorwart and Sherrie S. Epstein, *Privatization and Mental Health Care* (Westport, Conn.: Auburn House, 1993), 6.
95. Alison Bass, "DMH Sees Increase in Deaths," *Boston Globe*, June 11, 1995; see also Alison Bass, "Patient Deaths Trigger Inquiry," *Boston Globe*, June 13, 1995.
96. Charles D. Baker, "Facts Don't Justify Criticism of Human Services," letter to the editor, *Boston Globe*, June 16, 1995.
97. Michele R. McPhee, "Mental Health Officials Urged to Resign," *Boston Globe*, July 9, 1995.
98. Critical Incident Reporting Task Force, Report on Massachusetts, *Department of Mental Health Service Recipient Mortality, 1991-1993* (Cambridge, Mass.: Evaluation Center at HSRI, January 26, 1996).
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The Trouble with Connecticut

Kenneth J. Long, Ph.D.

The problems of Connecticut, this author believes, parallel those of Nigeria, which are described by Chinua Achebe in The Trouble with Nigeria. Both places may be considered dirty, callous, ostentatious, and dishonest. The causes of these and other defects are also similar: unusually large disparities in living standards, high cost of living, localism, and lack of leadership. In Connecticut, gross inequities in taxation seem to intermingle with and reinforce all these roots of unpleasantness.

Novelist Chinua Achebe's 1983 polemic, *The Trouble with Nigeria*, poses this question: How can a country with so much natural resource and potential constantly end up with such a poor standard of living and such a horrendous quality of life?¹ Ultimately, he answers, the blame falls on a bimodal distribution of income and wealth, rampant corruption, a lack of civic community, and above all else, the failure of leadership to confront these problems. Since arriving in Connecticut two years ago, I find myself thinking of Achebe's analysis of Nigeria when I think about the political and economic culture of Connecticut. This state, like Nigeria, is a place of tremendous resource and potential, but one that constantly disappoints. Perhaps my dissatisfaction with Connecticut is partially a matter of personal taste. Nonetheless, there are sound objective reasons for concluding that Achebe's acerbic description of the comparative undesirability of Nigeria as a country is substantively analogous to the comparative undesirability of Connecticut as a state.

Nigeria is *not* a great country. It is one of the most disorderly nations in the world. It is one of the most corrupt, insensitive, inefficient places under the sun. It is one of the most expensive countries and one of those that give least value for money. It is dirty, callous, noisy, ostentatious, dishonest and vulgar. In short, it is among the most unpleasant places on earth!²

The words *expensive*, *inefficient*, *dirty*, *callous*, and *ostentatious* resonate particularly loudly in Connecticut! As in Achebe's analysis, the difficult question is "Why?" The answer, in both cases, may be surprisingly similar: bimodal economics, "tribalism," that is, localized loyalties that undermine support for the state as a whole, and inadequate leadership.

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There is, perhaps, nothing unique about these problems, and Connecticut does not suffer from them to the extent that Nigeria or most third world countries do. However, while these difficulties may characterize many political cultures, the central claim here is that Connecticut suffers from them to a much greater extent than the rest of New England and the United States in general.

Bimodal Standard of Living

Paradoxically, the gross inequalities of Connecticut are both obvious and hidden. At first glance, all four of Connecticut's largest cities — Bridgeport, Hartford, New Haven, and Waterbury — appear poor and unpleasant. Only Stamford has more than 100,000 residents and sizable middle- and upper-class communities, and even it is in the midst of decline. New residents are frequently stunned at the paucity of affluent or even middle-class neighborhoods within these cities. Other American cities, even struggling ones, typically are economically pluralistic with significant pockets of moderate to substantial wealth within their borders. In other words, they contain numerous successful neighborhoods. This is less true in Connecticut cities. Upper-middle-class residents are far less common. And when they are present, they are typically found not in neighborhood "pockets" well within the city but along the city periphery, bordering a more affluent suburb.

Longtime residents are equally aware of the relative extremity of the contrast between city and suburb, sometimes referring to it as the Greenwich-Bridgeport phenomenon, noting the extreme wealth of Fairfield County, which stands in such sharp contrast to the extreme poverty of the neighboring city of Bridgeport. More commonly, however, they merely allude to the obvious differences in their own region of the state, for example, by referring to the clear dissimilarity between Hartford and West Hartford, especially its northern end. There is nothing subtle about the contrast between city and suburb in Connecticut.

Consider the following statistical evidence of urban crisis in Connecticut. Collectively, in the state's four largest cities:

- 16.94 percent of the residents receive Aid to Families with Dependent Children (AFDC), which is roughly twenty-two times the median rate for the state. More than one-quarter of Hartford residents are on AFDC, ranking second nationally only to Willimantic, Connecticut, a city incorporated into the town of Windham.³ (See Table 1.)
- The crime rate of 13.09 percent is roughly seven times the median rate for the state (see Table 2). The development of gang violence has been well publicized.
- The renter-occupied housing rate of 63.32 percent is roughly three times the median rate for the state (see Table 3).

Indeed, housing costs, even for rentals, are a serious problem for Connecticut in general, averaging 40 percent above the national mean.⁴ By contrast, Massachusetts and Rhode Island housing costs are only 28 percent and 17 percent, respectively, above the national mean. In Connecticut's major cities this problem is especially acute. The Connecticut Department of Housing has estimated that 40 percent of state residents have trouble affording a one-bedroom apartment — for its four largest cities, the U.S.

Department of Housing and Urban Development (HUD) conservatively estimates 1994 fair market rents (FMRs) at \$610 per month — and 50 percent find it difficult to afford a two-bedroom apartment (four largest cities' FMR: \$750 per month). According to the 1990 census, the statewide cost burden rates, that is, more than 30 percent of all income expended on housing, were 24.5 percent for owner-occupied units and 38.5 percent for renter-occupied units.⁵ Meanwhile, one thousand Hartford buildings have become vacant since 1990 and 463 of these were demolished. Only 8 percent of the city's recent housing starts were single-family homes.⁶

Obvious as these problems are, however, many Connecticut inequalities remain well hidden. For example, household income data suggest, at first flush, a state that is remarkably untroubled. The most recent national census data, from 1989, show a state with a household income distribution skewed significantly upward. Forty percent of all Connecticut households had incomes in excess of \$50,000 compared with just 24 percent of all American households (see Table 4).

The state's household income distribution by population fifths is virtually identical to the national distribution. In Connecticut, just as in the nation as a whole, the poorest fifth of the population received 3 percent, the middle fifth 16 percent, and the richest fifth 48 percent of all income (see Table 5). Indeed, the only noticeable difference in household income distribution is that Connecticut's is skewed upward with Connecticut median income 38.8 percent higher than the national median income (\$41,721 as opposed to \$30,056). Even the state's four largest cities had a collective median household income of \$26,573, more than half the state's median income and surprisingly close to the national figure (see Table 6).

However, during the 1989–1992 recession the state lost 157,000 jobs — 9 percent of all jobs. Between 1989 and 1995, only 17 percent of these lost jobs (26,700) had been restored.⁷ The recession losses, which occurred across all social classes, included an average of 900 Connecticut business failures per year.⁸ Consequently, by 1993 the state median household income dropped to \$39,516, only 26.5 percent above the 1993 national median of \$31,241.⁹ Still, it is unlikely that the recession significantly altered the distribution of income among social classes and, overall, incomes remain higher than costs, which average roughly 20 percent above the typical national levels.¹⁰ So why does the Connecticut standard of living feel so bimodal? The answer is simple: Because it is. And it is for two basic reasons. First, cost of living is not evenly distributed; necessities are particularly expensive in the state while luxuries often fall below national averages. Second, the state's taxation system is distressingly regressive. Connecticut government generally not only fails to provide solutions, it frequently compounds the problems. In short, the lower classes in Connecticut are oppressed not so much by an unusual distribution of incomes, but by an unusual distribution of costs. The differences in the distribution of costs are what create unusually large differences in the quality of life. And like Nigeria — but not to as great an extent — and like most U.S. states — but to an even greater extent — Connecticut tax policies make its relatively few rich richer and its many poor poorer.

An Expensive State

Much like Nigeria, Connecticut is one of the most expensive states and one of those which give the least value for the money. As noted above, Connecticut prices, overall, are about 20 percent higher than typical national prices. However, there is great varia-

tion in relative costliness from good to good. Driving Connecticut's cost of living upward are the prices of necessities in general and housing in particular. Connecticut's housing costs, more than 40 percent higher than the national average, are even more expensive than housing costs in metropolitan Boston (36 percent above average). For the first quarter of 1994, rent prices, which averaged \$499 nationally, in Connecticut averaged \$757. Selling prices of median-priced Connecticut homes actually fell by \$5,000 between 1993 and 1994 to \$165,000, a figure still way beyond the means of many, many residents. Home affordability has not improved over the last several years even with a deflation in selling prices because interest rates have risen dramatically during the same period.

Housing costs have been particularly inflated by the state's heavy reliance on residential property taxation. Connecticut raises a whopping 56.6 percent, almost double the national state rate of 29.8 percent, of all its governmental revenues from property taxes. In 1992–1993, the average property tax on a typical home was \$2,700. While this is an average figure, property tax rates tend to be much lower in Connecticut border towns and much higher in its central cities, making property taxation more regressive in this state than in many other states. For example, in 1992–1993 Bridgeport's effective mill rate (property tax rate per thousand) was 31.4, significantly more than double neighboring Fairfield's effective mill rate of 13.9.¹¹

In short, high housing costs and steep and regressive property taxes are enough to leave Connecticut's poorer residents with virtually no disposable income, while wealthier residents may have one of the highest rates of disposable income found anywhere in the country. Regressive pricing, however, is not limited to housing-related costs. Insurance is another prime example, perhaps appropriately so given the state's fame for housing much of the nation's insurance industry. Comprehensive automobile insurance, for example, costs on average about \$1,000 per vehicle per annum statewide. However, in the state's four largest cities, troubled Bridgeport, Hartford, New Haven, and Waterbury, automobile insurance runs on average twice as high, at about \$2,000 per vehicle per year.¹²

Similarly, grocery costs in Connecticut are 13 percent above the national average. This is roughly comparable with the rest of southern New England but Connecticut does not have the grocery or baked goods thrift shops so common in the rest of the region. Meanwhile, many luxury goods and services, such as entertainment, personal care, fast food, and alcohol, actually run several percentage points below national averages.¹³ The distribution of prices in Connecticut may have an even more regressive effect than the state conservative tax system, going a long way toward explaining why its bimodal standard of living is not readily apparent from income distribution data. Only when one realizes that the cost of living is inflated considerably more than 20 percent for Connecticut's working classes, and considerably less than 20 percent for the state's upper classes, can one appreciate the unusually large extent to which quality of life differs within Connecticut.

Regressive Taxation

Of the five towns or cities with the largest share of households with incomes in excess of \$200,000 nationally, three are in Connecticut: Stamford, with 12 percent, Norwalk with 9 percent, and Danbury with 3 percent of such households.¹⁴ Yet in a state that relies primarily on property taxation for revenue, their 1992–1993 effective mill rates

were 15.8, 18.6, and 14.8, respectively, ranking seventy-third, twenty-third, and one hundred and third, respectively, out of the state's 169 municipalities. Using a slightly different statistic, one that compensates for differences in home appraisal methods, their 1993–1994 residential effective tax rates were Stamford, 1.56 percent, Norwalk, 1.70 percent, and Danbury, 1.56 percent, ranking eighty-seventh, ninety-second, and fiftieth, respectively (see Table 7). Here regressivity seems evident, but not overwhelmingly so.

On the other hand, Connecticut's ultrarich do not live in the towns with the greatest proportion of wealthy individuals. Defined as having a per capita equalized net grand list (ENGL) of about \$200,000 or higher, the richest towns are Greenwich, Westport, Waterford, Darien, New Canaan, and Haddam (see Table 8). The 1992–1993 effective mill rates for these towns were 9.0, 11.2, 8.6, 9.2, 10.3, and 8.2, ranking one hundred sixty-fifth, one hundred fifty-fifth, one hundred sixty-eighth, one hundred sixty-fourth, one hundred fifty-eighth, and one hundred sixty-ninth, respectively, among the state's 169 municipalities.¹⁵ These six towns had 1993–1994 effective residential tax rates, as follows: Greenwich, 0.83 percent; Westport, 1.11 percent; Waterford, 0.77 percent; Darien, 0.96 percent; New Canaan, 1.05 percent; and Haddam, 1.09 percent, ranking one hundred sixty-eighth, one hundred fifty-ninth, one hundred sixty-ninth, one hundred sixty-sixth, one hundred sixty-second, and one hundred sixty-first, respectively (see Table 7). The average effective residential tax rate for these towns, 0.97 percent, is roughly two-fifths the average effective residential tax rate for the four largest Connecticut cities, 2.36 percent, and less than one-third the rate of beleaguered Bridgeport, 3.21 percent. This is strong evidence that the state property tax system has some profoundly regressive effects.

The second largest in-state source of government revenues is the Connecticut income tax, enacted amid a storm of protest in 1991. The most obvious and distressing feature of the tax is that it is a flat tax of 4.5 percent and, unlike neighboring New York and Rhode Island, not a graduated (progressive) income tax. Indeed, the 1992 overhaul of the Connecticut revenue system may have had an ultimately regressive effect. To win support for the income tax plan from affluent towns and their state legislators, independent Governor Lowell Weicker agreed to eliminate the state's 14 percent capital gains tax, thus killing the most progressive feature in the entire state taxation system. An 11 percent tax on corporate profits is the only remaining progressive tax.

Democratic legislative committee chairs, especially Lou Catillo, former chair of the House Finance Committee, had fought unsuccessfully for a graduated income tax since the 1970s. The success in enacting the Weicker plan may have effectively marked the death knell for progressive taxation in the state. However, the 1992 overhaul of the tax system did at least reduce the sales tax, a regressive tax, from 8 percent to 6 percent. On the other hand, the state continued to assess some of the highest sin taxes in the nation, along with a mighty steep motor fuel tax — more than 38 cents per gallon — about 18 cents per gallon higher than that of Massachusetts and Rhode Island. All these taxes are well known for being regressive.

Connecticut also has a personal property tax on motor vehicles imposed by the various municipalities. Although the tax is based on the estimated value of a vehicle, the tax rates differ wildly from municipality to municipality (see Table 9). The average tax rate for the state's four largest cities is 4.38 percent, more than three times the average tax rate for its six richest towns, 1.3 percent. Knowledgeable consumers from high auto tax municipalities may have the wherewithal to lease rather than purchase new vehicles because a leased vehicle is taxed at the statewide mean rate of 1.61 percent. Along with

inequities in automobile insurance and motor fuel taxes, it almost seems as if the state is conspiring to discourage car ownership. Given the congestion of southwest Connecticut, perhaps this makes some sense. On the other hand, these policies seem to be directed against the working class, whose members, generally speaking, live much farther from New York City than most of the rich do.

When all Connecticut's various property taxes are melded together to calculate overall effective tax rates, it cannot be surprising that there are extreme differences from municipality to municipality and that the effect on distribution of income is regressive (see Table 10). Bridgeport, New Haven, Hartford, and Waterbury pay the first, second, third, and ninth highest tax rates, respectively, ranging from 3.17 percent to 2.20 percent. Westport, Haddam, New Canaan, Darien, Greenwich, and Waterford pay among the lowest tax rates, ranging from 1.12 percent to 0.86 percent, ranking one hundred fifty-eighth, one hundred sixtieth, one hundred-sixty-second, one hundred sixty-sixth, one hundred sixty-seventh, and one hundred sixty-ninth, respectively, among the 169 municipalities. Their average tax rate of one percent is only 36 percent of the average tax rate for the state's four largest cities, 2.76 percent. The residents of these affluent suburbs of Fairfield County are apparently the "tribes" that dominate Connecticut politics and benefit most from its tax inequities.

Localism

The American equivalents of Nigerian tribalism are racism and localism, both particularly abundant in Connecticut. Connecticut is one of only two states in the nation without county governments! Rhode Island is the other aberration. Finally abolished in 1960, Connecticut county government had been weak since 1919, when the Volstead Act, a prohibition law, effectively eliminated county government's primary source of revenue, liquor licensing fees. In Connecticut, the absence of county government is neither aberrational nor happenstance. While county government is not necessarily the best means to regionalization, regionalism of any sort seems unpopular with the state's privileged classes. This is not surprising because, by its very nature, it promises cost sharing and thus the imposition of higher costs for suburban and affluent townships. Regionalization proposals almost always stir controversy, but in other states they often succeed when they focus on consolidating government functions rather than governments themselves, and when they focus on relatively obscure functions rather than controversial social welfare issues. In Connecticut, however, the extremely limited regionalization of any sort (there are only six small regional authorities in the state) seems to reflect a fear that a tide challenging the gross inequities in social welfare may burst loose if regionalization of any sort is broached. In any event, compared with neighboring states, Connecticut has an unusual dearth of local compacts creating joint school, water, and sewer treatment districts.¹⁶

Fear of regionalization and fear of racial integration seem tightly connected. The main engine driving that fear appears to be racial segregation in general and the racial segregation of schools in particular. Unfortunately, there is again nothing unique about these problems. However, what may be unique to Connecticut is the relative severity of race and class segregation in the state and its active reinforcement by government structures and policies. Therefore, the verdict in the *Sheff v. O'Neill* school segregation case should have come as a surprise to no one. Superior Court judge Harry Hammer ruled that the state was not liable for the racial segregation of schools on the grounds

that segregation was the result of economic realities, not government policy. Perhaps the court needed a primer on the many ways Connecticut's revenue policies create the economics of segregation. In any case, the symbolism of Republican governor John Rowland's reported presentation of a bottle of champagne to Democratic attorney general Richard Blumenthal in celebration of the court ruling seems to reflect a disturbing consensus among the state's political leaders. Not a single official elected statewide criticized the ruling. At the time of this writing, it was unknown how the state Supreme Court might rule on the *Sheff* appeal, but it is unpleasantly clear that there is strong bipartisan support for the lower court's ruling.

Paralleling Nigerian tribalism, Connecticut can be described as more like a series of fiefdoms than a state. This localism, reflected in the heavy reliance on local property taxes, is greatly reinforced by the profound suburban fear of having to pay more to improve urban communities and especially by fear of school desegregation. Desegregation plans inevitably threaten suburban school preferences, property values, and sense of community. Connecticut state government does relatively little to mitigate the effects of this localism. Public education is financed overwhelmingly through the local property tax. Total state education aid to cities and towns for 1994–1995 was only about \$1.29 billion of about a \$9.5 billion budget, and Governor Rowland has proposed a \$1 million cut in state education aid for 1995–1996.¹⁷

The Rowland plan has been strongly criticized for minimizing cuts for affluent towns with least need, for elimination of a \$13 million increase in education aid for Bridgeport, and for proposing \$3.6 million and \$3.5 million reductions for New Haven and New Britain, respectively. In partial reaction to these criticisms, the state legislature increased education aid for 1995–1996, by about \$20 million, to \$1.31 billion. However, state education aid is likely to remain at anemic levels for years to come. Meanwhile, the Connecticut Institute of Municipal Studies, a strong advocate of property tax reform, has estimated that an adequate reform of property taxation would require and warrant the near doubling of education aid to \$2.5 billion.

Overall levels of state aid to localities — altogether only \$1.9 billion — are not particularly high either. Total 1994–1995 state aid to Connecticut's four largest cities was only \$522 million.¹⁸ Governor Rowland proposed that this be reduced by \$4 million in 1995–1996. With a nationwide political climate emphasizing tax reduction in general and income tax reduction in particular, it is extremely unlikely that Connecticut will introduce the redistributive spending programs or more progressive taxation structures apparently required to begin to reverse these inequities. Instead, poor and working-class communities are likely to continue to support affluent suburbs. For example, Hartford is the workplace of roughly 30 percent of the Capitol Region's jobs, yet only 23 percent of the people who work in Hartford reside there.¹⁹ With a shrinking tax base, and too many of the remaining enterprises being tax exempt, city tax rates have risen dramatically while revenue falls and school conditions reach new lows.

Hartford mayor Mike Peters has repeatedly acknowledged that the city's public schools are failing miserably and argues that the situation warrants drastic new measures. The philosophy here is if it's definitely broken, try radical new measures in hopes of finding something to fix it. This was the rationale for Hartford's decision to become the first major city to hire a private firm, Educational Alternatives Incorporated, to run the city school system. It was also the rationalization for Mayor Peters's proposal of a voucher system for use in either fully private or EAI-managed public schools. Serious concerns about the constitutionality of the recommendation have apparently scuttled it.

However, none of these changes seems especially likely to improve the Hartford school situation. Even a most unlikely dramatic increase in state aid to these schools would be of little or no value if the city continues to neglect its many other problems. Yet, given its conservative political climate, Connecticut politics is likely to remain reactive, showing a small but greater proclivity to fund education to contain the effects of poverty and remarkably little willingness to address the social and economic problems that make education in poor cities difficult in the first place.

Even the relative uncleanness of Connecticut may be aggravated by localism. Dirt is especially evident in the cities, but by no means limited to them. New residents and visitors are often disenchanted to find public facilities and family and fast food restaurants surprisingly unkempt compared with those in neighboring states. Connecticut's air quality, the eleventh worst in the nation, is poorer than that of the rest of New England; in part because Connecticut is the most densely populated state and because it is somewhat downwind of both the industrial Midwest and most of the Washington to Boston megalopolis of which it is a part. However, Connecticut incinerates most of its trash and the state's localities are free to compound air pollution by using huge quantities of sand with little or no salt on winter roads, the effect of which is, in most ways, more pollution than from salt's tendency to damage grass and plants. The state is also far from being a pioneer in promoting antipollution and antismoking legislation.

Lack of Leadership

On the whole, Connecticut's leaders have done little to resolve the trouble with the state. All too often even Connecticut Democrats seem to be Republicans. So perhaps it was to be expected that Connecticut voters chose the real Republican, John Rowland, in the 1994 gubernatorial election. In relation to the troubles of Connecticut, at least as set forth in this analysis, Governor Rowland cannot be expected to be much of a leader. Instead, his political proposals seem likely to increase the gap between rich and poor, impose even more regressive taxation, and reinforce localism. In his first months in office, Rowland had already made numerous recommendations in a proposed budget of \$9.4 billion. Specifically, he suggested all of the following:

- a cut in the tax on corporate profits from 11 percent to 8 percent;
- laying off 5 percent of the state's 50,000 employees;
- welfare cutbacks, including:
 - reducing payments to 1988 levels to reduce state grants to localities by \$13 million;
 - limiting benefits to eighteen months, requiring more recipients to work and eliminating increased benefits for additional children (cutting \$30 million);
 - lowering Medicaid payment rates (cutting \$43 million) and instituting a Medicaid co-pay (\$5 million);
- ending payments to hospitals for treating uninsured patients (cutting \$300 million);
- introducing a new education aid formula in which towns with the best state mastery test scores, generally the affluent ones, receive more money per student;
- ending cost-of-living adjustments for state government retirees (\$47 million);

- imposing on teachers a new annual fee of \$100 to \$400 for teaching certificates;
- cutting nursing home reimbursement rates (\$43 million);
- freezing partial compensation payments to cities and towns with an unusually high proportion of tax-exempt property (\$9 million);
- cutting property tax relief for the elderly and veterans by \$13 million;
- raising fees for ConnPACE, a prescription drug program for the elderly that is based on income (\$8 million).²⁰

Connecticut state legislators may not be much different from the governor. By April 1995, the legislature had already enacted welfare reform on its consent calendar, which is reserved for noncontroversial issues. The fact that they consider cutting welfare as not controversial suggests that legislators have little insight into the trouble with Connecticut and even less empathy for the poor. The bill that was passed (1) limits AFDC to 21 months; (2) reduces payments from \$581 per month to \$514 per month for a family of three; (3) reduces supplements for additional children from \$100 a month per child to \$50 a month per child; (4) requires fingerprinting of recipients; (5) limits drug abusers to vouchers (instead of cash); and (6) requires general assistance recipients to pick up their benefits in person.²¹

On a more positive note, Rowland's proposed \$200 million reduction in income taxes does have a progressive feature: it is to be imposed by lowering the tax rate for lower-income groups from 4.5 to 3 percent. The governor also called for a government reorganization that would consolidate thirty-one agencies and departments into fourteen departments. While such reorganizations may be helpful if they are designed to minimize the inefficiencies and stagnation of pluralism, there is little evidence so far that this proposal is motivated by anything other than a desire for less government.

In a pluralist representative government, a lack of leadership may be felt in a wide variety of ways. The most obvious structural cause of Connecticut's leadership woes is its use of a seasonal, rather than full-time, state legislature. Governing a complex postindustrial society does not intuitively seem to be a task well suited to part-time nonprofessionals. Connecticut has also suffered from serious levels of party dealignment as evidenced by the bipartisan legislative coup that brought about the removal of Democratic House Speaker Irving Stolberg in 1989; the election of an independent governor, Lowell Weicker, in 1990; and the relatively chaotic four-way gubernatorial race of 1994.²²

Interestingly, the poor and minority communities of Connecticut appear so alienated that in the 1994 gubernatorial race they missed an unusual opportunity to field their own candidate and take advantage of the split caused by four conservative and moderate white candidates. Poor management may also be a concern in Connecticut. In terms of management of state government, *Financial World* ranked the state forty-sixth out of fifty. Although its ranking has improved since then, the state remains well below average.²³

The state Department of Transportation suffered a particularly embarrassing scandal in September 1995 when its primary contractor for road construction, George Tomasso, was declared legally incompetent because of mental illness. Tomasso's difficulties, both financial and psychological, were apparently common knowledge for years, but little was done until Tomasso's company collapsed, throwing \$240 million in contracts into chaos.²⁴

Perhaps leadership can best be understood as a dialogue between leaders and followers in which followers are influenced by example, persuasion, and deed and caused to change their opinions and behavior. So defined, the difficulty confronting potential leaders of Connecticut is that the state's civic culture is so conservative, that is, the privileged classes are greatly disinclined to change. As always, so long as politicians gravitate toward public opinion, they are by definition following and not leading. Ironically, it may be that when politicians are most immune from reelection worries that they are most free to lead. Theoretically, in a representative government, it may be the citizenry, rather than the politicians, who provide leadership. As Rousseau argued, a virtuous people with general will can, and are entitled to, direct government. However, Nutmeggers in general may not appear to be especially virtuous, and with a tremendous gulf between rich and poor, any significant consensus is, according to Rousseau, impossible.

At least by American standards, Connecticut, like Nigeria, truly appears to be dirty, callous, noisy, ostentatious, dishonest, and vulgar. It seems dirty and noisy because it is one of the most densely populated states in the country, but perhaps also because too many residents take New York City as their standard for normal. It seems ostentatious and vulgar because of the huge wealth — tributes to conspicuous consumption — that stand immediately adjacent to horrifying poverty. It seems callous because it doesn't seem to care about the fate of its poorer classes. And it seems dishonest because it refuses to acknowledge that the despair of its poor is in any way exacerbated by the excesses of its rich!

In a manner similar to antipluralist theories of American government, Achebe bemoaned the lack of helpfulness of Nigerian governments. "If you want electricity, you buy your own generator; if you want water, you sink your own bore-hole; if you want to travel, you set up your own airline. 'One day soon,' said a friend of mine, 'you will have to build your own post office to send your letters!'"²⁵

In America, too, residents may be left to seek private solutions to intrinsically public problems. Apart from the inefficiencies of those attempts, private solutions may be completely beyond the means of a large and growing minority of the population. The trouble with Connecticut is that this is especially true here.

There may be little hope for the state. Even if one were given a magic wand with which to part veto groups, minimize inequalities and inequities, lower costs, impose regionalism, and introduce progressive leadership, it is unlikely that the state would be free of crisis. Many of Connecticut's wealthier residents, especially those in the southwest corner of the state, live here in large part because it is a means of evading New York taxes. Why would they remain in Connecticut if they had to pay progressive taxes here? The trouble with Connecticut would seem to require a national approach, but with a Republican majority in Congress, Washington politics appears to be headed in an opposite direction. And that, in the final analysis, may be part of the trouble with America. Unless current national trends are reversed, Connecticut may prove to be a frightening model of what a future postwelfare state America may become. ♣

Notes

1. Chinua Achebe, *The Trouble with Nigeria* (London: Heinemann, 1983).
2. *Ibid.*, 9–12.
3. Information on Willimantic cited from the comments of Walter Pawelkiewicz, first selectman of the town of Windham, at the Trinity College Urban Forum, Hartford, Connecticut, April 10, 1995.
4. Steven P. Lanza, "High Prices Take Modest Income Bite," *The Connecticut Economy: A University of Connecticut Quarterly Review*, October 1994, 12.
5. State housing data calculated from information from Ed Doukas, Connecticut Department of Housing, telephone interview, April 19, 1995.
6. Hartford housing data cited by Nicholas Carbone, president of the Connecticut Institute of Municipal Studies, at the Trinity College Urban Issues Forum, Hartford, Connecticut, April 10, 1995.
7. W. Joseph Campbell, "'94 Job Growth Tops Estimate, State Reports," *Hartford Courant*, March 9, 1995, A1, and William McEachern, "Why Income Held Up During the Recession," *The Connecticut Economy: A University of Connecticut Quarterly Review*, October 1994, 3.
8. "Slow Recovery Continues," *The Connecticut Economy: A University of Connecticut Quarterly Review*, January 1995, 1.
9. William McEachern, "Median Household Income in Connecticut," *The Connecticut Economy: A University of Connecticut Quarterly Review*, January 1995, 18.
10. Lanza, "High Prices Take Modest Income Bite," 12.
11. "Effective Mill Rates by Town in 1982–83 and 1992–93," *The Connecticut Economy: A University of Connecticut Quarterly Review*, January 1995, 10–11. Other housing cost data drawn from Lanza, "High Prices Take Modest Income Bite," 12.
12. Insurance data cited by Carbone, Trinity College Urban Issues Forum.
13. Lanza, "High Prices Take Modest Income Bite," 12.
14. Shannon Dortch, "Where New Taxes Take Their Toll," *American Demographics* 15 (November 1993): 9–10.
15. Mill rate data from "Effective Mill Rates by Town," 10–11.
16. Richard Nathan, "Reinventing Government Through Regionalization: A Big Opportunity," comments at the Trinity College Urban Issues Forum, Hartford, Connecticut, April 10, 1995.
17. "Education Aid to Cities and Towns," *Hartford Courant*, February 18, 1995, A10, and "State Education Grants," *Hartford Courant*, April 28, 1995, A6.
18. "Aid to Towns," *Hartford Courant*, February 16, 1995, A8.
19. Don Noel, political columnist, *Hartford Courant*, moderator comments at the Trinity College Urban Issues Forum, Hartford, Connecticut, April 10, 1995.
20. All budget proposal information derived from "This Budget Is about Tax Cuts," *Hartford Courant*, February 16, 1995, A1–A18.
21. Christopher Keating, "Lawmakers Back Stricter Welfare Plan," *Hartford Courant*, April 28, 1995, A1.
22. For a detailed critique of party dealignment in Connecticut, see Gary Rose, *Connecticut Politics at the Crossroads* (Lanham, Md.: University Press of America, 1992).
23. Robert Kravchuk, "The New Connecticut: Lowell Weicker and the Process of Administrative Reform," *Public Administration Review* 53, no. 4 (July/August 1993): 330.
24. Craig W. Baggott, "Tomasso Declared Incapable; Conservator Appointed," *Hartford Courant*, September 22, 1995, A1, A14.
25. Achebe, *The Trouble with Nigeria*, 20.

Table 1

**AFDC Recipients as a Percentage of Total Population,
Fiscal Year 1992 Monthly Average**

Rank	Municipality	Recipients	Percentage of Population	Rank	Municipality	Recipients	Percentage of Population
1	Hartford	33,763	25.33%	53	Wallingford	606	1.49%
2	New Haven	20,080	16.27%	54	Seymour	211	1.47%
3	Bridgeport	19,381	14.33%	55	Montville	248	1.45%
4	Waterbury	11,391	10.58%	56	Branford	386	1.38%
5	Windham	2,238	10.32%	57	Old Saybrook	131	1.35%
6	New London	2,810	9.87%	58	Thomaston	93	1.34%
7	New Britain	7,284	9.67%	59	W. Hartford	805	1.32%
8	Meriden	4,490	7.60%	60	Pomfret	42	1.30%
9	Norwich	2,785	7.51%	61	Westbrook	67	1.24%
10	Killingly	989	6.14%	62	Shelton	435	1.22%
11	Putnam	522	5.92%	63	E. Haddam	83	1.22%
12	Ansonia	1,059	5.91%	64	Watertown	249	1.20%
13	Plainfield	810	5.68%	65	Canterbury	54	1.19%
14	Canaan	55	5.24%	66	Southington	456	1.18%
15	W. Haven	2,761	5.08%	67	Chester	38	1.13%
16	Derby	591	4.97%	68	Norfolk	23	1.12%
17	E. Hartford	2,129	4.20%	69	Lisbon	43	1.11%
18	Middletown	1,802	4.20%	70	E. Hampton	115	1.09%
19	Danbury	2,683	4.11%	71	Colchester	123	1.08%
20	Norwalk	3,175	4.10%	72	Beacon Falls	55	1.08%
21	Vernon	1,188	4.09%	73	Lebanon	66	1.06%
22	Griswold	389	3.84%	74	Bozrah	24	1.06%
23	Stamford	4,066	3.71%	75	Bethel	173	0.98%
24	Sprague	111	3.62%	76	Woodstock	60	0.97%
25	Sterling	88	3.55%	77	Deep River	40	0.96%
26	Voluntown	74	3.51%	78	Ledyard	141	0.93%
27	Bristol	2,128	3.51%	79	Waterford	166	0.92%
28	Manchester	1,575	3.03%	80	Salisbury	36	0.87%
29	Winchester	335	2.97%	81	Mansfield	170	0.86%
30	Naugatuck	898	2.91%	82	E. Granby	37	0.85%
31	Torrington	980	2.90%	83	Coventry	84	0.81%
32	Thompson	223	2.59%	84	Morris	17	0.79%
33	Stafford	310	2.58%	85	Glastonbury	217	0.77%
34	Groton	1,046	2.42%	86	Cromwell	96	0.77%
35	Ashford	88	2.37%	87	Hebron	54	0.76%
36	E. Haven	631	2.36%	88	Sharon	22	0.76%
37	Bloomfield	451	2.27%	89	E. Lyme	116	0.75%
38	Portland	175	2.09%	90	Wethersfield	192	0.75%
39	Brooklyn	137	2.04%	91	Washington	29	0.75%
40	Plymouth	241	2.02%	92	Wolcott	105	0.74%
41	Stonington	343	2.01%	93	Newington	215	0.74%
42	Stratford	977	2.00%	94	N. Branford	98	0.73%
43	Franklin	37	1.96%	95	Marlborough	39	0.71%
44	E. Windsor	186	1.88%	96	Andover	18	0.69%
45	Enfield	825	1.81%	97	Middlefield	27	0.69%
46	Milford	844	1.72%	98	Eastford	9	0.69%
47	New Milford	406	1.70%	99	Litchfield	58	0.68%
48	Clinton	212	1.69%	100	Woodbury	55	0.66%
49	Hamden	834	1.60%	101	Canton	54	0.65%
50	Windsor	442	1.54%	102	Berlin	110	0.64%
51	Plainville	257	1.50%	103	Kent	19	0.64%
52	Windsor Locks	185	1.50%	104	Ellington	73	0.64%

Table 1, continued

Rank	Municipality	Recipients	Percentage of Population	Rank	Municipality	Recipients	Percentage of Population
105	Willington	37	0.63%	141	Cheshire	96	0.37%
106	Somers	57	0.62%	142	Bethany	16	0.35%
107	Guilford	125	0.62%	143	N. Canaan	11	0.34%
108	N. Stonington	29	0.61%	144	Monroe	57	0.34%
109	Chaplin	12	0.59%	145	Trumbull	107	0.33%
110	Prospect	46	0.58%	146	Roxbury	6	0.32%
111	Scotland	7	0.57%	147	Lyme	6	0.32%
112	N. Haven	127	0.57%	148	Harwinton	16	0.31%
113	Middlebury	35	0.56%	149	Madison	48	0.30%
114	New Fairfield	71	0.55%	150	Goshen	7	0.30%
115	Preston	28	0.55%	151	Colebrook	4	0.29%
116	Suffield	63	0.55%	152	Cornwall	4	0.27%
117	Fairfield	295	0.55%	153	Westport	62	0.25%
118	Farmington	114	0.54%	154	Redding	19	0.24%
119	Old Lyme	36	0.54%	155	Woodbridge	19	0.23%
120	New Hartford	31	0.53%	156	Bethlehem	7	0.22%
121	Haddam	37	0.53%	157	New Canaan	39	0.21%
122	Granby	50	0.53%	158	Avon	30	0.21%
123	Columbia	24	0.53%	159	Orange	26	0.20%
124	Hartland	10	0.52%	160	Ridgefield	40	0.19%
125	Newtown	109	0.52%	161	Simsbury	41	0.18%
126	Greenwich	307	0.52%	162	Warren	2	0.16%
127	S. Windsor	117	0.51%	163	Easton	10	0.16%
128	Hampton	8	0.51%	164	Darien	24	0.13%
129	Southbury	83	0.51%	165	Wilton	21	0.13%
130	Salem	17	0.51%	166	Sherman	3	0.10%
131	Rocky Hill	83	0.48%	167	Weston	6	0.07%
132	Essex	28	0.48%	168	Bridgewater	0	0.00%
133	Killingworth	23	0.46%	169	Union	0	0.00%
134	Burlington	33	0.45%				
135	Brookfield	60	0.42%				
136	Tolland	46	0.42%		<i>Statistics</i>		
137	Barkhamsted	14	0.41%		Mean	1.90%	
138	Durham	24	0.40%		Median	0.77%	
139	Oxford	34	0.39%		Maximum	25.33%	
140	Bolton	17	0.37%		Minimum	0.00%	

Source: *Indicators of Need in Connecticut Municipalities: A Public Policy Report* (New Haven: Connecticut Conference of Municipalities, January 1995).

Table 2

**Crime Rates: Number of Crimes Reported
as a Percentage of Town Population (1992)**

Rank	Municipality	Number of Offenses	Rate as Percent of Population	Rank	Municipality	Number of Offense	Rate as Percent of Population
1	Hartford	21,322	16.00%	53	New Milford	659	2.76%
2	New Haven	18,625	15.08%	54	Guilford	546	2.70%
3	Bridgeport	16,210	11.99%	55	Killingly	435	2.70%
4	Waterbury	9,234	8.57%	56	Greenwich	1,592	2.70%
5	New Britain	6,182	8.21%	57	Vernon	771	2.65%
6	New London	1,908	6.70%	58	Plymouth	317	2.65%
7	Orange	810	6.30%	59	Naugatuck	800	2.59%
8	E. Haven	1,653	6.18%	60	Kent	74	2.47%
9	Manchester	3,184	6.13%	61	Bethany	112	2.42%
10	Milford	2,927	5.96%	62	Wolcott	343	2.42%
11	W. Haven	3,178	5.85%	63	N. Branford	319	2.39%
12	Norwalk	4,518	5.84%	64	Brooklyn	157	2.34%
13	Windham	1,249	5.76%	65	Madison	371	2.33%
14	Danbury	3,724	5.71%	66	Seymour	335	2.33%
15	Hamden	2,968	5.69%	67	Brookfield	329	2.30%
16	Stamford	5,970	5.44%	68	Old Lyme	149	2.23%
17	Bloomfield	1,029	5.18%	69	Clinton	276	2.21%
18	Farrington	1,048	5.01%	70	Darien	404	2.20%
19	Waterford	895	4.97%	71	Sterling	53	2.14%
20	Middletown	2,116	4.93%	72	Franklin	40	2.12%
21	Stratford	2,361	4.83%	73	Lisbon	82	2.11%
22	Meriden	2,850	4.82%	74	E. Lyme	327	2.11%
23	Mansfield	938	4.76%	75	Morris	45	2.10%
24	E. Hartford	2,410	4.75%	76	Voluntown	44	2.09%
25	Trumbull	1,512	4.67%	77	Branford	584	2.08%
26	Bristol	2,608	4.30%	78	Bolton	92	2.02%
27	N. Haven	962	4.29%	79	Shelton	716	2.01%
28	W. Hartford	2,584	4.25%	80	Berlin	342	2.00%
29	Norwich	1,561	4.21%	81	Goshen	47	1.99%
30	Newington	1,125	3.85%	82	Avon	282	1.97%
31	Old Saybrook	363	3.75%	83	Newtown	411	1.96%
32	Union	22	3.67%	84	Chaplin	40	1.96%
33	Fairfield	1,964	3.65%	85	Essex	114	1.96%
34	Westbrook	192	3.56%	86	Easton	123	1.94%
35	Groton	1,534	3.56%	87	E. Haddam	132	1.94%
36	Derby	423	3.55%	88	New Hartford	112	1.93%
37	Southington	1,340	3.46%	89	Portland	160	1.91%
38	E. Windsor	338	3.41%	90	Burlington	137	1.88%
39	Wallingford	1,360	3.34%	91	Montville	321	1.88%
40	Torrington	1,119	3.31%	92	Ledyard	283	1.87%
41	Rocky Hill	568	3.30%	93	N. Canaan	60	1.86%
42	Enfield	1,478	3.24%	94	Deep River	77	1.86%
43	Westport	806	3.20%	95	Winchester	209	1.85%
44	Cornwall	47	3.20%	96	Middlefield	72	1.84%
45	Watertown	657	3.17%	97	Glastonbury	514	1.83%
46	Cromwell	396	3.17%	98	Griswold	185	1.82%
47	Wethersfield	788	3.07%	99	N. Stonington	85	1.79%
48	Stonington	514	3.01%	100	Woodbury	149	1.79%
49	Plainville	515	3.01%	101	Chester	60	1.78%
50	Windsor	835	2.91%	102	Wilton	288	1.76%
51	Ansonia	521	2.91%	103	Stafford	210	1.75%
52	Windsor Locks	344	2.78%	104	Preston	89	1.75%

Source: *Indicators of Need in Connecticut Municipalities: A Public Policy Report* (New Haven: Connecticut Conference of Municipalities, January 1995).

Statistics	
Mean	2.73%
Median	1.96%
Maximum	16.00%
Minimum	0.58%
Ratio:	
High to Low	27.6 to 1

Table 3

Renter-Occupied Housing Units as a Percentage of Total Occupied Housing Units, 1990 Census

Rank	Municipality	Percentage Renter-Occupied	Rank	Municipality	Percentage Renter-Occupied
1	Hartford	76.4%	47	Stafford	27.9%
2	New Haven	68.2%	48	Woodbury	27.8%
3	New London	63.1%	49	Westbrook	27.6%
4	New Britain	56.9%	50	Deep River	27.5%
5	Bridgeport	55.8%	51	Thomaston	27.1%
6	Groton	52.5%	52	Farmington	27.0%
7	Waterbury	51.0%	53	W. Hartford	26.3%
8	Windham	50.3%	54	Essex	26.0%
9	Middletown	49.3%	55	Norfolk	25.3%
10	Norwich	47.3%	56	E. Haven	25.2%
11	Putnam	45.0%	57	Bethel	25.0%
12	W. Haven	43.9%	58	New Milford	24.8%
13	Vernon	42.4%	59	Cromwell	24.8%
14	Ansonia	42.2%	60	Chester	24.6%
15	Stamford	42.1%	61	Brooklyn	24.4%
16	Derby	42.1%	62	Enfield	23.9%
17	Manchester	40.5%	63	Milford	23.8%
18	E. Hartford	40.5%	64	Windsor Locks	23.8%
19	Danbury	39.9%	65	Litchfield	23.5%
20	Winchester	39.8%	66	Portland	23.5%
21	Meriden	39.5%	67	Washington	22.8%
22	Mansfield	39.4%	68	Montville	22.8%
23	E. Windsor	38.5%	69	Clinton	22.6%
24	Norwalk	38.0%	70	Beacon Falls	22.4%
25	Bristol	37.6%	71	Thompson	22.4%
26	Torrington	37.3%	72	Bloomfield	22.2%
27	Sprague	36.7%	73	Cornwall	22.2%
28	Willington	36.3%	74	Sharon	22.1%
29	Killingly	35.2%	75	Watertown	21.8%
30	Kent	34.9%	76	Canton	21.8%
31	Rocky Hill	34.1%	77	Colchester	21.8%
32	N. Canaan	33.4%	78	E. Lyme	21.4%
33	Naugatuck	32.9%	79	Plymouth	21.4%
34	Plainfield	32.2%	80	Glastonbury	21.3%
35	Greenwich	32.2%	81	New Canaan	20.8%
36	Griswold	31.8%	82	E. Hampton	20.7%
37	Stonington	31.3%	83	Shelton	20.5%
38	Salisbury	31.2%	84	Wethersfield	20.5%
39	Branford	31.1%	85	Windsor	20.3%
40	Plainville	30.8%	86	Voluntown	20.3%
41	Hamden	29.8%	87	Stratford	20.3%
42	Ashford	29.7%	88	E. Granby	20.0%
43	Ellington	29.5%	89	Old Saybrook	19.9%
44	Pomfret	29.3%	90	Suffield	19.9%
45	Seymour	28.5%	91	Ledyard	19.8%
46	Wallingford	28.1%	92	Fairfield	19.7%

Table 3, continued

Percentage			Percentage		
Rank	Municipality	Renter-Occupied	Rank	Municipality	Renter-Occupied
93	Southington	19.4%	137	Canterbury	12.5%
94	Woodstock	19.1%	138	N. Branford	12.4%
95	Newington	19.0%	139	Brookfield	12.4%
96	Morris	18.6%	140	Redding	12.3%
97	Eastford	18.2%	141	Colebrook	12.2%
98	Simsbury	18.1%	142	Warren	12.2%
99	Chaplin	18.0%	143	Columbia	11.9%
100	E. Haddam	17.8%	144	Lebanon	11.8%
101	Old Lyme	17.8%	145	N. Haven	11.7%
102	Bozrah	17.7%	146	Hebron	11.3%
103	Canaan	17.6%	147	Newtown	11.2%
104	Ridgefield	17.4%	148	Middlebury	11.1%
105	Barkhamsted	17.4%	149	Wolcott	11.0%
106	Bethlehem	17.4%	150	S. Windsor	10.6%
107	Westport	17.2%	151	Marlborough	10.4%
108	Lyme	17.0%	152	Scotland	10.3%
109	Roxbury	17.0%	153	Sherman	10.0%
110	Avon	16.3%	154	Bethany	9.9%
111	Sterling	16.0%	155	Hartland	9.5%
112	Guilford	15.7%	156	Durham	9.3%
113	Salem	15.6%	157	Weston	9.1%
114	Waterford	15.5%	158	Monroe	9.0%
115	Haddam	15.3%	159	Woodbridge	8.8%
116	Bolton	15.3%	160	Tolland	8.6%
117	Coventry	15.2%	161	Oxford	8.0%
118	Hampton	15.1%	162	Trumbull	7.5%
119	New Hartford	15.1%	163	Burlington	7.3%
120	Middlefield	15.1%	164	New Fairfield	7.2%
121	Goshen	14.9%	165	Harwinton	7.1%
122	Madison	14.9%	166	Easton	7.0%
123	Cheshire	14.8%	167	Prospect	6.9%
124	Preston	14.7%	168	Killingworth	6.8%
125	Somers	14.6%	169	Orange	6.0%
126	Andover	14.4%			
127	Darien	14.4%			
128	Granby	14.2%			
129	Bridgewater	14.1%			
130	Southbury	14.0%		<i>Statistics</i>	
131	Wilton	13.7%		Mean	23.3%
132	Berlin	13.6%		Median	20.3%
133	N. Stonington	12.8%		Maximum	76.4%
134	Union	12.8%		Minimum	6.0%
135	Franklin	12.7%		Ratio:	
136	Lisbon	12.5%		High to Low	12.7 to 1

Source: *Indicators of Need in Connecticut Municipalities: A Public Policy Report* (New Haven: Connecticut Conference of Municipalities, January 1995).

Table 4

**Distribution of U.S and Connecticut
Household Income, 1989**

Income Range	United States	Connecticut
Less than \$4,999	6%	3%
\$5,000-\$9,999	9%	6%
\$10,000-\$14,999	9%	6%
\$15,000-\$24,999	18%	12%
\$25,000-\$34,999	16%	14%
\$35,000-\$49,999	18%	19%
\$50,000-\$74,999	15%	22%
\$75,000-\$99,999	5%	9%
\$100,000-higher	4%	9%
<i>Total</i>	100%	100%

Source: Calculations are based on the 1990 U.S. census of population.

Table 5

**Distribution of U.S. and Connecticut
Household Income, by Fifths, 1989**

Income Fifth	United States			Connecticut		
	Mean Income	Income Range	% All Income	Mean Income	Income Range	% All Income
Lowest Fifth	\$6,389	\$0–12,277	3%	\$9,563	\$0–19,166	3%
Second Fifth	\$18,333	\$12,778–23,888	9%	\$26,675	\$19,167–34,285	10%
Middle Fifth	\$30,278	\$23,889–36,667	16%	\$42,142	\$34,286–49,999	16%
Fourth Fifth	\$46,667	\$36,668–56,666	24%	\$61,136	\$50,000–72,273	23%
Upper Fifth	\$94,634	\$56,667–higher	48%	\$125,874	\$72,274–higher	48%
Total	\$38,453		100%	\$53,253		100%
U.S. Median Income: \$30,056				Connecticut Median Income: \$41,721		

Source: Calculations are based on the 1990 U.S. census of population.

Table 6

Median Household Income, 1990 Census

Rank Municipality	Income	Rank Municipality	Income
1 Hartford	\$22,140	54 Sharon	\$41,500
2 New Haven	\$25,811	55 Morris	\$41,625
3 New London	\$26,336	56 Stratford	\$41,745
4 Putnam	\$27,837	57 Franklin	\$41,780
5 Bridgeport	\$28,704	58 Hamden	\$41,814
6 Windham	\$29,135	59 Willington	\$41,826
7 Norwich	\$29,354	60 Norfolk	\$41,917
8 New Britain	\$30,121	61 Kent	\$42,029
9 Waterbury	\$30,533	62 Union	\$42,045
10 Killingly	\$32,032	63 Montville	\$42,140
11 Griswold	\$32,904	64 Wallingford	\$42,783
12 Sterling	\$32,905	65 Preston	\$42,823
13 Groton	\$33,967	66 Woodstock	\$43,352
14 Ansonia	\$34,181	67 Bozrah	\$43,553
15 Plainfield	\$34,588	68 Branford	\$43,578
16 Thompson	\$34,956	69 Windsor Locks	\$43,593
17 Torrington	\$35,230	70 Beacon Falls	\$43,644
18 Voluntown	\$35,699	71 Chester	\$43,698
19 W. Haven	\$35,723	72 Danbury	\$43,832
20 Derby	\$35,808	73 Wethersfield	\$43,888
21 N. Canaan	\$35,922	74 Lebanon	\$43,983
22 Canaan	\$35,950	75 Milford	\$44,142
23 Meriden	\$36,211	76 Colebrook	\$44,152
24 E. Hartford	\$36,584	77 Waterford	\$44,167
25 Brooklyn	\$37,026	78 E. Haddam	\$44,245
26 E. Haven	\$37,220	79 Enfield	\$44,635
27 Westbrook	\$37,534	80 Essex	\$45,033
28 Middletown	\$37,644	81 Goshen	\$45,417
29 Winchester	\$37,831	82 Newington	\$45,481
30 Eastford	\$37,933	83 Ellington	\$45,604
31 Lisbon	\$38,192	84 Watertown	\$45,763
32 Sprague	\$38,247	85 Litchfield	\$45,819
33 Bristol	\$38,261	86 Lyme	\$45,848
34 Plainville	\$38,432	87 Clinton	\$45,884
35 Mansfield	\$38,591	88 Colchester	\$46,389
36 Cornwall	\$38,937	89 Coventry	\$46,426
37 Stafford	\$39,084	90 Middlefield	\$46,491
38 Deep River	\$39,560	91 Portland	\$46,581
39 Stonington	\$39,651	92 Warren	\$46,875
40 Ashford	\$39,701	93 Cromwell	\$46,970
41 Seymour	\$39,864	94 E. Lyme	\$46,979
42 Naugatuck	\$39,902	95 N. Stonington	\$47,070
43 Manchester	\$40,290	96 Hartland	\$47,105
44 Vernon	\$40,543	97 S. Windsor	\$47,106
45 Pomfret	\$40,653	98 Southbury	\$47,335
46 Thomaston	\$40,851	99 Bloomfield	\$47,853
47 E. Windsor	\$40,888	100 Bethlehem	\$47,986
48 Chaplin	\$40,932	101 E. Hampton	\$48,000
49 Salisbury	\$41,141	102 Rocky Hill	\$48,125
50 Plymouth	\$41,325	103 Norwalk	\$48,171
51 Canterbury	\$41,327	104 Old Saybrook	\$48,223
52 Scotland	\$41,346	105 Andover	\$48,289
53 Hampton	\$41,452	106 Prospect	\$48,455

Table 6, continued

Rank	Municipality	Income	Rank	Municipality	Income
107	Wolcott	\$48,507	139	Hebron	\$56,093
108	Washington	\$48,704	140	Guilford	\$56,115
109	Berlin	\$49,004	141	Tolland	\$56,120
110	N. Haven	\$49,148	142	Burlington	\$56,937
111	Salem	\$49,278	143	Bethany	\$57,316
112	Middlebury	\$49,524	144	Glastonbury	\$57,464
113	W. Hartford	\$49,642	145	Southington	\$57,606
114	Stamford	\$49,787	146	Cheshire	\$58,250
115	Ledyard	\$49,811	147	Granby	\$58,839
116	Harwinton	\$49,926	148	Bridgewater	\$59,688
117	Shelton	\$49,965	149	Monroe	\$59,967
118	New Milford	\$49,975	150	Brookfield	\$60,054
119	Windsor	\$50,228	151	New Fairfield	\$60,161
120	Woodbury	\$50,326	152	Trumbull	\$60,634
121	New Hartford	\$50,338	153	Marlborough	\$60,635
122	Suffield	\$50,714	154	Newtown	\$60,830
123	N. Branford	\$50,798	109	Berlin	\$49,004
124	Old Lyme	\$50,813	155	Madison	\$61,871
125	Killingworth	\$51,128	156	Orange	\$62,021
126	Bolton	\$51,351	157	Sherman	\$62,124
127	Roxbury	\$51,633	158	Simsbury	\$64,538
128	Haddam	\$51,655	159	Greenwich	\$65,072
129	E. Granby	\$52,317	160	Avon	\$66,602
130	Somers	\$52,970	161	Woodbridge	\$70,670
131	Farmington	\$52,979	162	Ridgefield	\$74,271
132	Canton	\$53,449	163	Easton	\$75,236
133	Columbia	\$53,744	164	Redding	\$76,332
134	Bethel	\$53,761	165	Westport	\$81,957
135	Barkhamsted	\$53,884	166	Wilton	\$87,686
136	Oxford	\$54,448	167	Darien	\$89,395
137	Durham	\$55,684	168	New Canaan	\$91,951
138	Fairfield	\$55,752	169	Weston	\$104,482

Source: *Indicators of Need in Connecticut Municipalities: A Public Policy Report* (New Haven: Connecticut Conference of Municipalities, January 1995).

Table 7

Effective Tax Rates: Residential, 1993-1994

Rank	Municipality	Tax Rate	Rank	Municipality	Tax Rate
1	Bridgeport	3.21%	45	Naugatuck	1.73%
2	New London	2.66%	46	Clinton	1.72%
3	W. Haven	2.41%	47	Litchfield	1.72%
4	New Haven	2.38%	48	Hampton	1.72%
5	New Britain	2.31%	49	Windham	1.71%
6	Hamden	2.29%	50	Norwalk	1.70%
7	Manchester	2.20%	51	Salem	1.70%
8	Meriden	2.12%	52	New Hartford	1.70%
9	Cromwell	2.12%	53	Newington	1.70%
10	E. Haven	2.12%	54	E. Lyme	1.69%
11	Hartford	2.09%	55	Groton	1.68%
12	W. Hartford	2.05%	56	Suffield	1.68%
13	Bristol	1.94%	57	Trumbull	1.68%
14	Canton	1.94%	58	Winchester	1.67%
15	Torrington	1.94%	59	Plainville	1.67%
16	Andover	1.93%	60	Simsbury	1.67%
17	Bolton	1.92%	61	E. Hampton	1.66%
18	Middlebury	1.92%	62	Bethany	1.66%
19	Vernon	1.92%	63	Wolcott	1.66%
20	Granby	1.92%	64	Barkhamsted	1.65%
21	Ellington	1.88%	65	Hebron	1.65%
22	Bloomfield	1.88%	66	Tolland	1.65%
23	Woodbridge	1.88%	67	N. Branford	1.65%
24	Stratford	1.86%	68	Berlin	1.64%
25	Killingworth	1.86%	69	Norfolk	1.64%
26	Ledyard	1.85%	70	Chaplin	1.64%
27	Milford	1.85%	71	Guilford	1.63%
28	Marlborough	1.84%	72	Wallingford	1.63%
29	Portland	1.84%	73	Monroe	1.62%
30	Durham	1.84%	74	Putnam	1.62%
31	Plymouth	1.84%	75	Bethlehem	1.62%
32	Glastonbury	1.83%	76	Madison	1.61%
33	Norwich	1.81%	77	Wethersfield	1.61%
34	Mansfield	1.81%	78	Beacon Falls	1.61%
35	Rocky Hill	1.79%	79	N. Stonington	1.61%
36	S. Windsor	1.79%	80	Goshen	1.59%
37	Thomaston	1.78%	81	Newtown	1.58%
38	Orange	1.77%	82	Derby	1.58%
39	E. Granby	1.77%	83	Oxford	1.58%
40	Waterbury	1.77%	84	Deep River	1.57%
41	Colchester	1.75%	85	Burlington	1.57%
42	Cheshire	1.75%	86	Morris	1.57%
43	Harwinton	1.75%	87	Danbury	1.56%
44	Middlefield	1.73%	88	Enfield	1.56%

Table 7, continued

Rank	Municipality	Tax Rate	Rank	Municipality	Tax Rate
89	Colebrook	1.56%	135	Stafford	1.31%
90	Griswold	1.56%	136	Seymour	1.30%
91	Windsor	1.56%	137	Brooklyn	1.29%
92	Stamford	1.56%	138	Sprague	1.29%
93	New Milford	1.55%	139	Woodstock	1.29%
94	Woodbury	1.55%	140	Old Lyme	1.28%
95	Avon	1.55%	141	Warren	1.28%
96	Willington	1.55%	142	Westbrook	1.28%
97	Canaan	1.54%	143	Somers	1.28%
98	E. Hartford	1.54%	144	Voluntown	1.27%
99	N. Haven	1.53%	145	Shelton	1.27%
100	Ansonia	1.53%	146	Montville	1.23%
101	Bridgewater	1.52%	147	Prospect	1.20%
102	Ashford	1.52%	148	Wilton	1.20%
103	Redding	1.51%	149	Cornwall	1.19%
104	Ridgefield	1.51%	150	Old Saybrook	1.19%
105	Franklin	1.51%	151	Pomfret	1.18%
106	Watertown	1.50%	152	Thompson	1.18%
107	Easton	1.49%	153	Washington	1.17%
108	Chester	1.49%	154	Windsor Locks	1.16%
109	Coventry	1.49%	155	Farmington	1.16%
110	Lisbon	1.48%	156	Sterling	1.16%
111	Bozrah	1.47%	157	Killingly	1.12%
112	Eastford	1.47%	158	Columbia	1.11%
113	Bethel	1.46%	159	Westport	1.11%
114	Middletown	1.46%	160	Essex	1.10%
115	Branford	1.45%	161	Haddam	1.09%
116	Stonington	1.45%	162	New Canaan	1.05%
117	Brookfield	1.44%	163	Salisbury	1.03%
118	Weston	1.43%	164	Lyme	1.00%
119	New Fairfield	1.41%	165	Sharon	0.97%
120	E. Windsor	1.41%	166	Darien	0.96%
121	Roxbury	1.40%	167	Sherman	0.89%
122	Scotland	1.40%	168	Greenwich	0.83%
123	Southbury	1.40%	169	Waterford	0.77%
124	Union	1.40%			
125	Southington	1.39%			
126	Lebanon	1.39%			
127	Kent	1.37%			
128	Hartland	1.37%			
129	Canterbury	1.36%		<i>Statistics</i>	
130	Fairfield	1.35%		Mean	1.58%
131	Preston	1.33%		Median	1.57%
132	E. Haddam	1.33%		Maximum	3.21%
133	N. Canaan	1.33%		Minimum	0.77%
134	Plainfield	1.33%		Ratio:	
				High to Low	4.2 to 1

Source: Indicators of Need in Connecticut Municipalities: A Public Policy Report (New Haven: Connecticut Conference of Municipalities, January 1995).

Table 8

Rank by per Capita Equalized Net Grand List, 1991

Rank	Municipality	Total ENGL	Per Capita ENGL	Rank	Municipality	Total ENGL	Per Capita ENGL
1	Mansfield	\$622,657,724	\$31,591	45	Lebanon	\$381,523,866	\$61,338
2	New London	\$982,061,425	\$34,495	46	Thomaston	\$426,487,809	\$61,542
3	Bridgeport	\$4,935,570,486	\$36,492	47	Manchester	\$3,228,366,549	\$62,192
4	New Britain	\$2,862,202,274	\$38,016	48	Somers	\$572,535,431	\$62,504
5	Windham	\$901,868,372	\$41,599	49	Andover	\$164,554,517	\$63,290
6	Waterbury	\$4,728,540,002	\$43,901	50	Montville	\$1,086,968,189	\$63,528
7	Griswold	\$446,936,654	\$44,077	51	Marlborough	\$351,836,211	\$63,623
8	New Haven	\$5,639,360,036	\$45,674	52	Cromwell	\$802,567,586	\$64,264
9	Plainfield	\$662,713,962	\$46,506	53	Scotland	\$78,528,565	\$64,368
10	W. Haven	\$2,533,241,159	\$46,601	54	Salem	\$216,332,097	\$64,577
11	Preston	\$238,459,802	\$46,849	55	Pomfret	\$208,227,445	\$64,667
12	Norwich	\$1,778,312,266	\$47,946	56	Seymour	\$929,244,962	\$64,711
13	Lisbon	\$186,607,415	\$48,095	57	Hebron	\$462,545,148	\$65,331
14	Ansonia	\$881,844,376	\$49,210	58	Hamden	\$3,406,570,625	\$65,348
15	Naugatuck	\$1,532,123,160	\$49,648	59	Prospect	\$519,622,392	\$66,026
16	Thompson	\$430,403,693	\$49,931	60	Watertown	\$1,367,633,877	\$66,069
17	Plymouth	\$602,368,941	\$50,365	61	E. Hampton	\$698,468,708	\$66,331
18	Putnam	\$444,491,579	\$50,396	62	Tolland	\$733,071,942	\$66,704
19	Brooklyn	\$340,103,564	\$50,611	63	Bolton	\$307,663,164	\$67,618
20	Groton	\$2,248,534,285	\$52,110	64	Harwinton	\$354,395,211	\$68,022
21	Canterbury	\$236,260,000	\$52,155	65	Hartland	\$130,601,633	\$68,378
22	Winchester	\$595,868,438	\$52,872	66	N. Branford	\$913,035,159	\$68,392
23	Sprague	\$163,676,906	\$53,315	67	E. Windsor	\$684,985,458	\$69,121
24	Ledyard	\$807,434,380	\$53,402	68	Woodstock	\$427,449,273	\$69,167
25	Meriden	\$3,179,788,297	\$53,813	69	Bozrah	\$157,048,159	\$69,184
26	Willington	\$315,276,680	\$53,893	70	Plainville	\$1,189,064,762	\$69,495
27	Vernon	\$1,581,469,511	\$54,383	71	Durham	\$416,557,213	\$69,775
28	E. Haven	\$1,457,738,016	\$54,475	72	Sterling	\$173,292,590	\$69,876
29	Killingly	\$878,651,595	\$54,575	73	Portland	\$598,011,662	\$71,447
30	Stafford	\$657,663,661	\$54,805	74	N. Stonington	\$339,629,951	\$71,652
31	Enfield	\$2,543,344,581	\$55,775	75	Eastford	\$95,115,412	\$72,607
32	Torrington	\$1,894,547,225	\$55,985	76	Middletown	\$3,121,894,782	\$72,721
33	Derby	\$668,951,114	\$56,214	77	Granby	\$689,893,549	\$73,315
34	Beacon Falls	\$288,070,113	\$56,484	78	Wallingford	\$2,990,170,779	\$73,469
35	Bristol	\$3,442,375,974	\$56,730	79	E. Lyme	\$1,142,481,895	\$73,614
36	Chaplin	\$115,771,111	\$56,751	80	Newington	\$2,155,779,331	\$73,778
37	Ellington	\$653,458,457	\$56,872	81	Southington	\$2,860,515,671	\$73,858
38	Colchester	\$660,972,653	\$58,287	82	S. Windsor	\$1,718,032,052	\$75,485
39	Coventry	\$604,804,293	\$58,379	83	E. Hartford	\$3,829,085,915	\$75,495
40	Ashford	\$218,129,932	\$58,637	84	Burlington	\$552,545,780	\$75,795
41	Hartford	\$7,981,470,597	\$59,885	85	Killingworth	\$377,401,437	\$75,936
42	Hampton	\$94,306,088	\$60,453	86	Columbia	\$343,706,468	\$76,041
43	Wolcott	\$859,488,087	\$60,655	87	Suffield	\$876,779,776	\$76,308
44	Voluntown	\$128,852,159	\$61,067	88	New Hartford	\$444,082,542	\$76,566

Table 8, continued

Rank	Municipality	Total ENGL	Per Capita ENGL	Rank	Municipality	Total ENGL	Per Capita ENGL
89	Rocky Hill	\$1,321,219,589	\$76,770	135	Kent	\$330,560,100	\$110,555
90	Canton	\$642,488,418	\$77,595	136	Woodbridge	\$925,496,312	\$112,591
91	Cheshire	\$2,015,766,284	\$77,649	137	Essex	\$662,032,498	\$113,751
92	Oxford	\$677,132,479	\$77,921	138	Canaan	\$119,625,157	\$113,929
93	N. Canaan	\$251,139,003	\$77,993	139	N. Haven	\$2,598,445,912	\$115,744
94	Bethel	\$1,387,682,787	\$78,890	140	Orange	\$1,501,229,112	\$116,827
95	Bethlehem	\$250,929,083	\$79,660	141	Avon	\$1,690,275,395	\$118,118
96	Middlefield	\$316,567,044	\$80,757	142	Fairfield	\$6,469,332,734	\$120,203
97	Deep River	\$338,105,121	\$81,471	143	Middlebury	\$764,850,787	\$123,363
98	Stratford	\$3,985,329,924	\$81,500	144	Bridgewater	\$212,333,144	\$126,389
99	W. Hartford	\$4,962,034,702	\$81,612	145	Warren	\$159,867,302	\$126,879
100	New Milford	\$1,959,549,691	\$81,955	146	Goshen	\$300,209,045	\$127,207
101	Woodbury	\$684,600,983	\$82,086	147	Stamford	\$13,981,806,333	\$127,467
102	E. Haddam	\$560,274,453	\$82,152	148	Westbrook	\$694,117,751	\$128,779
103	Danbury	\$5,380,010,807	\$82,440	149	Cornwall	\$192,591,781	\$131,015
104	Wethersfield	\$2,126,748,463	\$82,753	150	Farmington	\$2,750,864,624	\$131,432
105	Clinton	\$1,037,169,018	\$82,907	151	Redding	\$1,058,041,758	\$132,090
106	Bloomfield	\$1,687,203,300	\$84,869	152	Easton	\$864,698,314	\$136,603
107	Milford	\$4,171,303,737	\$84,955	153	Old Saybrook	\$1,323,122,751	\$136,686
108	Monroe	\$1,450,558,988	\$85,027	154	Ridgefield	\$2,931,817,733	\$137,709
109	Franklin	\$163,887,612	\$86,290	155	Old Lyme	\$941,258,273	\$141,118
110	Barkhamsted	\$295,359,414	\$86,616	156	Salisbury	\$584,358,893	\$141,491
111	Union	\$52,047,554	\$86,746	157	Washington	\$566,965,179	\$145,749
112	Bethany	\$401,523,131	\$86,910	158	Sharon	\$431,298,403	\$148,213
113	Litchfield	\$742,644,944	\$87,063	159	Sherman	\$437,299,337	\$149,760
114	Stonington	\$1,494,689,164	\$87,614	160	Roxbury	\$281,997,941	\$149,999
115	Branford	\$2,462,248,457	\$87,749	161	Lyme	\$283,500,588	\$150,000
116	Newtown	\$1,863,623,489	\$88,913	162	Wilton	\$2,791,105,788	\$170,710
117	Simsbury	\$2,009,307,808	\$88,986	163	Weston	\$1,518,997,36	\$171,638
118	Guilford	\$1,815,799,443	\$89,936	164	New Canaan	\$3,673,150,950	\$199,628
119	Shelton	\$3,216,651,260	\$90,128	165	Haddam	\$1,395,337,901	\$201,057
120	New Fairfield	\$1,166,496,851	\$90,637	166	Darien	\$3,869,692,078	\$210,538
121	Glastonbury	\$2,591,787,538	\$92,169	167	Westport	\$5,479,143,374	\$217,513
122	E. Granby	\$403,858,045	\$92,416	168	Greenwich	\$13,628,961,895	\$230,726
123	Chester	\$315,795,301	\$93,708	169	Waterford	\$5,433,873,671	\$301,547
124	Norfolk	\$194,157,806	\$94,251				
125	Windsor	\$2,704,769,747	\$94,309				
126	Norwalk	\$7,313,094,317	\$94,460				
127	Southbury	\$1,558,340,790	\$96,016		Statistics		
128	Berlin	\$1,703,234,933	\$99,663		Mean	\$86,203	
129	Trumbull	\$3,238,203,944	\$100,068		Median	\$75,936	
130	Brookfield	\$1,441,423,186	\$100,588		Maximum	\$301,547	
131	Windsor Locks	\$1,273,816,744	\$103,060		Minimum	\$31,591	
132	Morris	\$224,994,707	\$105,138		Ratio:		
133	Madison	\$1,741,922,829	\$109,555		High to Low	9.5 to 1	
134	Colebrook	\$152,756,150	\$109,897				

Source: *Indicators of Need in Connecticut Municipalities: A Public Policy Report* (New Haven: Connecticut Conference of Municipalities, January 1995).

Table 9

**Effective Tax Rates: Motor Vehicle and
Personal Property, 1993-1994**

Rank	Municipality	Tax Rate	Rank	Municipality	Tax Rate
1	Waterbury	5.01%	56	Oxford	1.84%
2	Windham	4.86%	57	Bristol	1.84%
3	Bridgeport	4.75%	58	Canaan	1.82%
4	Ansonia	4.43%	59	Mansfield	1.79%
5	New Haven	4.28%	60	Tolland	1.79%
6	Naugatuck	4.16%	61	Farmington	1.78%
7	Seymour	3.83%	62	Woodbridge	1.77%
8	Stratford	3.65%	63	Derby	1.75%
9	Plymouth	3.52%	64	E. Lyme	1.75%
10	New Britain	3.46%	65	Plainville	1.74%
11	Meriden	3.16%	66	Middlefield	1.73%
12	E. Hartford	3.06%	67	Goshen	1.73%
13	Hebron	3.05%	68	Wallingford	1.73%
14	Marlborough	3.05%	69	Granby	1.72%
15	Norwalk	3.01%	70	Wolcott	1.72%
16	Enfield	2.93%	71	Newington	1.72%
17	Milford	2.93%	72	Durham	1.70%
18	S. Windsor	2.84%	73	Groton	1.68%
19	Simsbury	2.78%	74	Cheshire	1.68%
20	Fairfield	2.74%	75	Orange	1.67%
21	Winchester	2.73%	76	Ellington	1.67%
22	Stamford	2.72%	77	Colchester	1.65%
23	W. Haven	2.59%	78	N. Branford	1.65%
24	Southington	2.58%	79	Bethany	1.65%
25	Brookfield	2.51%	80	Hampton	1.65%
26	Glastonbury	2.50%	81	Trumbull	1.65%
27	Shelton	2.45%	82	Torrington	1.63%
28	Ashford	2.44%	83	Bolton	1.61%
29	Bloomfield	2.44%	84	Beacon Falls	1.61%
30	E. Haven	2.43%	85	Salem	1.61%
31	Hamden	2.42%	86	N. Haven	1.61%
32	Hartford	2.41%	87	Cromwell	1.59%
33	Greenwich	2.39%	88	Deep River	1.57%
34	Easton	2.37%	89	Griswold	1.56%
35	E. Haddam	2.30%	90	New Milford	1.55%
36	Stonington	2.26%	91	Thomaston	1.55%
37	Berlin	2.24%	92	Coventry	1.51%
38	Guilford	2.23%	93	Lisbon	1.51%
39	W. Hartford	2.19%	94	Westport	1.51%
40	Newtown	2.17%	95	Ridgefield	1.50%
41	Somers	2.17%	96	Madison	1.49%
42	Eastford	2.14%	97	Rocky Hill	1.48%
43	E. Windsor	2.10%	98	Middletown	1.48%
44	Montville	2.08%	99	New Fairfield	1.48%
45	Manchester	2.06%	100	Windsor	1.48%
46	Wilton	2.03%	101	Bozrah	1.47%
47	Vernon	1.95%	102	Morris	1.47%
48	New London	1.93%	103	Suffield	1.46%
49	Andover	1.93%	104	E. Hampton	1.45%
50	Middlebury	1.92%	105	Warren	1.45%
51	Killingly	1.91%	106	Canton	1.45%
52	Clinton	1.86%	107	Norwich	1.45%
53	Killingworth	1.86%	108	Putnam	1.44%
54	Ledyard	1.85%	109	Monroe	1.44%
55	Portland	1.84%	110	Colebrook	1.44%

Table 9, continued

Rank	Municipality	Tax Rate	Rank	Municipality	Tax Rate
111	Branford	1.42%	145	Brooklyn	1.20%
112	E. Granby	1.42%	146	Cornwall	1.19%
113	N. Stonington	1.42%	147	Woodbury	1.19%
114	Woodstock	1.42%	148	Roxbury	1.18%
115	Norfolk	1.39%	149	Lebanon	1.17%
116	Prospect	1.38%	150	Chester	1.16%
117	Barkhamsted	1.38%	151	Windsor Locks	1.16%
118	Bridgewater	1.38%	152	Old Lyme	1.14%
119	Wethersfield	1.37%	153	Union	1.13%
120	Hartland	1.37%	154	Thompson	1.13%
121	Voluntown	1.37%	155	Pomfret	1.12%
122	Westbrook	1.37%	156	Sterling	1.12%
123	Weston	1.36%	157	Columbia	1.11%
124	N. Canaan	1.33%	158	Haddam	1.07%
125	Plainfield	1.33%	159	Washington	1.06%
126	Franklin	1.32%	160	Sharon	1.00%
127	New Hartford	1.32%	161	Southbury	0.99%
128	Stafford	1.32%	162	New Canaan	0.99%
129	Avon	1.32%	163	Old Saybrook	0.97%
130	Litchfield	1.30%	164	Darien	0.95%
131	Danbury	1.30%	165	Salisbury	0.90%
132	Canterbury	1.30%	166	Waterford	0.89%
133	Scotland	1.30%	167	Sherman	0.86%
134	Watertown	1.29%	168	Essex	0.82%
135	Bethel	1.28%	169	Lyme	0.74%
136	Willington	1.28%			
137	Bethlehem	1.27%			
138	Burlington	1.26%		<i>Statistics</i>	
139	Chaplin	1.26%		Mean	1.83%
140	Redding	1.25%		Median	1.61%
141	Sprague	1.25%		Maximum	5.01%
142	Preston	1.23%		Minimum	0.74%
143	Kent	1.22%		Ratio:	
144	Harwinton	1.22%		High to Low	6.8 to 1

Source: *Indicators of Need in Connecticut Municipalities: A Public Policy Report* (New Haven: Connecticut Conference of Municipalities, January 1995).

Table 10

Effective Tax Rates: Overall, 1993-1994

Rank	Municipality	Tax Rate	Rank	Municipality	Tax Rate
1	Bridgeport	3.17%	55	Newington	1.70%
2	New Haven	2.83%	56	E. Lyme	1.69%
3	Hartford	2.77%	57	Berlin	1.69%
4	New London	2.55%	58	Salem	1.68%
5	New Britain	2.49%	59	Groton	1.68%
6	Meriden	2.43%	60	Plainville	1.68%
7	W. Haven	2.43%	61	Wallingford	1.68%
8	Hamden	2.34%	62	Trumbull	1.68%
9	Waterbury	2.26%	63	Stamford	1.68%
10	Manchester	2.20%	64	Guilford	1.67%
11	E. Haven	2.14%	65	Wolcott	1.67%
12	Naugatuck	2.09%	66	Litchfield	1.67%
13	Windham	2.06%	67	Tolland	1.66%
14	W. Hartford	2.03%	68	E. Windsor	1.66%
15	Plymouth	2.03%	69	New Hartford	1.66%
16	Cromwell	2.02%	70	Norfolk	1.65%
17	Stratford	1.98%	71	Suffield	1.65%
18	Milford	1.96%	72	N. Branford	1.65%
19	Bloomfield	1.95%	73	Bethany	1.64%
20	S. Windsor	1.94%	74	Monroe	1.62%
21	Andover	1.93%	75	Chaplin	1.61%
22	Middlebury	1.92%	76	Beacon Falls	1.61%
23	Marlborough	1.92%	77	Newtown	1.61%
24	Vernon	1.92%	78	Norwich	1.61%
25	Bristol	1.91%	79	Madison	1.60%
26	Glastonbury	1.91%	80	Oxford	1.60%
27	Bolton	1.91%	81	E. Hampton	1.59%
28	Norwalk	1.91%	82	N. Stonington	1.59%
29	Granby	1.90%	83	Ashford	1.59%
30	Canton	1.89%	84	Bethlehem	1.59%
31	Torrington	1.87%	85	Wethersfield	1.59%
32	Woodbridge	1.87%	86	Putnam	1.58%
33	Killingworth	1.86%	87	Barkhamsted	1.57%
34	Ellington	1.85%	88	Goshen	1.57%
35	Ledyard	1.85%	89	Derby	1.57%
36	Enfield	1.85%	90	Eastford	1.57%
37	Portland	1.84%	91	Deep River	1.57%
38	Winchester	1.83%	92	Morris	1.56%
39	Ansonia	1.81%	93	N. Haven	1.56%
40	Mansfield	1.81%	94	Brookfield	1.56%
41	Thomaston	1.81%	95	Griswold	1.56%
42	Durham	1.80%	96	Burlington	1.55%
43	E. Hartford	1.77%	97	New Milford	1.55%
44	Simsbury	1.77%	98	Southington	1.55%
45	Cheshire	1.76%	99	Colebrook	1.55%
46	Orange	1.75%	100	Seymour	1.55%
47	Colchester	1.75%	101	Easton	1.55%
48	Rocky Hill	1.75%	102	Willington	1.54%
49	Clinton	1.74%	103	Lisbon	1.53%
50	Hebron	1.74%	104	Canaan	1.52%
51	Middlefield	1.73%	105	Woodbury	1.52%
52	Harwinton	1.73%	106	Avon	1.52%
53	E. Granby	1.71%	107	Stonington	1.52%
54	Hampton	1.71%	108	Danbury	1.51%

Table 10 , continued

Rank	Municipality	Tax Rate	Rank	Municipality	Tax Rate
109	Bridgewater	1.51%	144	Sprague	1.28%
110	Ridgefield	1.50%	145	Old Lyme	1.27%
111	Branford	1.50%	146	Wilton	1.24%
112	Redding	1.50%	147	Voluntown	1.24%
113	Coventry	1.49%	148	Killingly	1.24%
114	Franklin	1.49%	149	Prospect	1.21%
115	Montville	1.48%	150	Farmington	1.21%
116	Watertown	1.47%	151	Cornwall	1.19%
117	Bozrah	1.47%	152	Pomfret	1.18%
118	Bethel	1.44%	153	Thompson	1.18%
119	Chester	1.44%	154	Washington	1.17%
120	Weston	1.43%	155	Old Saybrook	1.17%
121	New Fairfield	1.42%	156	Windsor Locks	1.16%
122	Fairfield	1.42%	157	Sterling	1.14%
123	Middletown	1.42%	158	Westport	1.12%
124	Scotland	1.41%	159	Columbia	1.11%
125	Shelton	1.40%	160	Haddam	1.08%
126	E. Haddam	1.39%	161	Essex	1.05%
127	Roxbury	1.39%	162	New Canaan	1.04%
128	Union	1.37%	163	Salisbury	1.01%
129	Lebanon	1.37%	164	Sharon	0.96%
130	Hartland	1.37%	165	Lyme	0.96%
131	Kent	1.36%	166	Darien	0.96%
132	Canterbury	1.36%	167	Greenwich	0.93%
133	Windsor	1.36%	168	Sherman	0.89%
134	Somers	1.35%	169	Waterford	0.86%
135	N. Canaan	1.32%			
136	Southburo	1.31%		<i>Statistics</i>	
137	Stafford	1.31%		Mean	1.61%
138	Preston	1.30%		Median	1.59%
139	Woodstock	1.30%		Maximum	3.17%
140	Plainfield	1.30%		Minimum	0.86%
141	Warren	1.29%		Ratio:	
142	Brooklyn	1.28%		High to Low	3.7 to 1
143	Westbrook	1.28%			

Source: *Indicators of Need in Connecticut Municipalities: A Public Policy Report* (New Haven: Connecticut Conference of Municipalities, January 1995).

The Battle for City Hall

What Do We Fight Over?

Louise Simmons

An important dimension of contemporary American urban politics involves the redistributive role of local government. Activism at the local level has produced electoral movements that have succeeded in electing progressive local candidates and coalitions, yet on assuming office those officials face tremendous obstacles in meeting the expectations of those who put them in office. From 1991 to 1993 in Hartford, Connecticut, an attempt at progressive governance by a multiracial coalition was fraught with difficulties. Tensions among progressives and among leadership from impoverished communities of color, responses of downtown interests and the media, fiscal crises and the unrelenting needs of the population, served to complicate or stymie redistributive efforts and led to electoral defeat. However, new mechanisms for popular participation and several other reform measures were accomplished.

In recent years, as social movements reflecting the needs of urban populations assert themselves through local politics, this activism reveals a number of dilemmas of American urban politics. A host of issues is presented when activists, variously described as urban populist or progressive regimes,¹ assume state and local public offices. Particularly in distressed cities, the combined problems of fiscal stress, tax base erosion, racial isolation, and lack of state and federal support make for a knotty collection of issues confronting new officeholders. Because cities are where huge social questions of race, class, gender, inequality, and social policy converge and many facets of struggles over the outcome of political and economic change are played out, the manner of local governing takes on increasing significance. What city governments do in such areas as education, administration of local welfare programs, treatment of indigent and marginalized populations, provision of alternatives for youth, and the tenor of police-community relations all involve choices that seriously affect the quality of everyday living. These redistributional and social consumption issues animate vital social movements in urban areas in which the local state has a significant mitigating role.

For reform-oriented or progressive regimes, especially those which attempt to advance the interests of impoverished communities of color, these issues take on large proportions and present stunning dilemmas. Officeholders face a variety of challenges ranging from holding political coalitions together, to dealing with traditional interest groups — including powerful and sometimes antagonistic downtown business interests

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— to attempting whatever redistributive measures are available for local government, to managing the city's finances, to carrying out routine service delivery, and more. They must strike a balance among competing priorities, even of those constituencies to whom they feel most responsible.

Once the decision is made to participate in electoral politics — to participate in “the system” — one's expectations of the possibility of reform need to be defined or acknowledged. The problem for many progressives is whether and how to engage in such redistributive ventures as equity planning² in light of the understanding that class and race divisions are endemic to the larger social order in America. These questions are sometimes posed as either/or dilemmas:³ either one operates outside the existing political system and remains pure or within the political system that one acknowledges as inherently inequitable and thus becomes complicit in perpetuating the inequality. Yet another way to frame the problem is one in which the actual praxis evolves and reveals the opportunities for reform, creating openings for progressives to play a role.

Hartford's Background and Recent Political History

Hartford, Connecticut, is one the most dramatic examples of modern urban misfortunes in the United States. Within its inelastic borders⁴ is a population with tremendous needs. Ranked the fourth poorest city in the country in 1980 based on percentage of population under the federal population (25.2%), by 1990 it ranked as the eighth poorest city, even as the percentage of population in poverty actually increased (27.5%).⁵ While it is the capital city of the state with the consistently highest per capita income in the country, Hartford is Connecticut's poorest city. It also has the nation's second highest rate of children living in poverty, more than 39 percent.⁶ Every modern urban problem can be found in Hartford: third world-level infant mortality rates high levels of teenage pregnancy; inadequate housing; soaring crime rate; drug trafficking; lethal gang activity; a tragically high incidence of AIDS; racial segregation and isolation within the city's educational system.

The poverty within the city combines with racial segregation to produce remarkable social cleavage in the Hartford area. Affluent suburbs with a much different composition surround Hartford. While Hartford's 1990 population was 36 percent African-American and 32 percent Hispanic, the neighboring thirty-seven towns in the Hartford Standard Metropolitan Statistical Area (SMSA) were more than 92 percent white. Hartford houses 18 percent of the 768,000 people who live in the metropolitan area, yet it is home to 65 percent of the area's African-American population and 76 percent of its Hispanic population.⁷ White households in the region enjoyed an average income of \$24,749 in 1980, while black household incomes averaged \$15,812 and Hispanics \$12,694.⁸ By 1990 more than 92 percent of the 27,000 public school students in Hartford were African-American, Hispanic, or other minorities and a landmark school desegregation suit was filed to address this segregation.

The capital of Connecticut has high levels of government-sector employment and is still considered a major insurance center with large concentrations of employment in this industry. Aetna, Travelers, and other insurance companies maintain significant presence in Hartford, and the defense giant United Technologies has its corporate headquarters in downtown Hartford. These industries have spawned a host of services and suppliers in the city and the larger Hartford region. While the city's business community is quite sophisticated and highly organized, there is incredible social distance between the

corporate officers who commute into these headquarters and the people who populate Hartford's neighborhoods.

Hartford's recent political history reflects both the growing political organization of the city's African-American and Puerto Rican communities and the increasing needs and claims of the population on a fragmented city government. The structure of municipal government is an odd hybrid of reform and tradition, including a nine-member city council elected at-large — with three seats reserved, per state statute, for a minority party; a city manager as the city's chief administrative officer who is selected — or dismissed — by the city council; and a popularly elected mayor whose position is visible but lacking in authority.

Registered Democrats solidly outnumber registered Republicans: Hartford voters went for Democratic presidential candidates in all presidential elections in the last several decades and voted resoundingly for Jesse Jackson in the 1984 and 1988 presidential primaries and for Jerry Brown in that of 1992. Given this intense identification with the Democratic Party within the city's population, intraparty divisions and contests are intense political battles within Hartford. Like Ira Katznelson's depiction of them in New York City, the factions of Hartford's Democratic Party tend to organize around race, ethnicity, and territoriality.⁹ These bases of organization, in turn, largely reflect the city's racial housing patterns.

Within City Hall, city council leadership and voting blocs are key to policy development in Hartford. Six Democrats are routinely elected to the council and usually control the city's policy agenda. However, the city manager, who has wide discretion in carrying out policy initiatives, particularly in budgetary matters, is the individual to whom city departments are accountable. Within this structure, there is a certain ambiguity of accountability that is quite apparent to the citizenry. Individuals and community organizations sometimes take their concerns to council members, at other times call on the city manager or go to see the mayor.

Council leadership is an important element of Hartford politics. Nicholas Carbone, celebrated as a "progressive" policy leader by Pierre Clavel,¹⁰ set the tone for Hartford's city government during the 1970s. Carbone is credited with elevating the position of deputy mayor on the council and with forging public-private partnerships in Hartford during the seventies. However, by 1979 his political hold was unraveling and Carbone was defeated in a bitter Democratic primary.

During the 1980s, the Hartford African-American community made important political gains. In 1981 Thirman Milner became the first popularly elected African-American mayor in all of New England and served until 1987. That year Carrie Saxon Perry, an African-American woman and multiterm state representative, sought election and won, drawing national attention as the first African-American woman to be elected mayor of a major city. But in 1993, a white South End political operative, Michael Peters, after losing a September Democratic primary to her, wrested the mayoralty away from Perry, winning the November election by running as an independent.

The Puerto Rican community also began to realize its political potential during the 1980s, particularly after the formation in the mid-eighties of the Puerto Rican Political Action Committee (PAC), which brought together a number of elements of leadership in the Puerto Rican community. The PAC was active in the 1987 municipal elections and in the 1988 elections for the Connecticut legislature in which Hartford's first two Puerto Rican legislators were elected.

In 1987, a new entity entered the political arena in Hartford. People for Change

(PFC) constituted itself as a combination third party and community coalition.¹¹ The group emerged from a linkage battle waged when community organizations pressed for taxation on downtown development to benefit the neighborhoods, and from dissatisfaction by labor unions over the city's response in a lengthy strike at Colt Firearms. Other key forces included the Puerto Rican PAC and women's and gay rights organizations. PFC ran a slate of three individuals for the three city council seats reserved for a minority party in the November 1987 general election and captured two seats. They hoped to forge an alliance with other council members to pursue a reform agenda and were aided in their electoral quest by disaffected Democrats and the technical assistance of the Legislative Electoral Action Program (LEAP), an organization formed in the early 1980s to provide technical assistance to progressive candidates.¹² PFC was also the inspiration for one of the successful Puerto Rican candidates for state representative in 1988.

The 1987 PFC slate included an African-American woman neighborhood leader and a Puerto Rican community activist, both of whom were elected, and a third, white, candidate who lost his bid. In 1989, after the incumbent woman decided to run with the Democratic Party slate and fell in step with a closely controlled Democratic caucus, another African-American woman, a social worker who served on the board of education and Hartford's first openly gay candidate, ran with the incumbent Eugenio Caro. Again, the two candidates of color won while the openly gay candidate lost. One lone Republican remained on the council until 1991, when the entire PFC slate, including me, successfully sought office.

In 1991, after two years of escalating tensions with the Democratic city council members, mayor Carrie Saxon Perry decided to assemble a council slate to challenge the entire set of six Democratic incumbents. It included two African-Americans, two Puerto Ricans, and two whites, a significant shift in power toward the Puerto Rican community as previous Democratic council slates had included only one Puerto Rican candidate. People for Change agreed to support her effort in a September primary in exchange for support for the three-person PFC slate in November, and an intense and emotional campaign brought her and her supporters an overwhelming victory. However, the tenuous effort at coalition politics effectively broke down during the 1991–1993 council term, resulting in a tumultuous 1993 election season.

Besides the 1993 victory of independent candidate Peters for mayor, the election produced a city council consisting of four of the six council candidates on the Perry slate and two from another slate, including Eugenio Caro, who had left PFC to seek election as a Democrat. The November election saw the emergence of a fusion slate consisting of three Republicans and the two non-Perry Democrats, who, in turn, backed Michael Peters in his independent bid for mayor. All three PFC candidates, of whom I was one, lost. The four Democrats who had run with Perry and survived the primary were also elected, but effectively became the "minority" caucus on the council. The direction of the council shifted sharply: the five-person fusion bloc elected a conservative Republican as the majority leader and Caro as deputy mayor, a role that would become largely ceremonial. Any progressive thrust of the 1991–1993 council was abruptly halted, and a new urban conservatism took hold of Hartford City Hall.

The Experience of Holding Office

At the outset of holding office, I was wary of how limited and constrained city governments are: existing literature and my own research lent credence to these arguments. I

was convinced that cities have relatively little independence in a larger political economy in which private-sector actions largely influence a local economy, a fairly economic determinist view. I envisioned my role as advocating for any reforms that could be eked out of the situation, hoped I could illuminate some of the major issues and contradictions for constituents, but did not think that many substantial improvements in people's lives could be won at the City Hall level. I was somewhat apprehensive that many questions — traffic patterns, zoning, and the like — would be uninteresting. I believed municipal government had little power at its disposal and basically functioned as flack catcher for the entire economic system and that making a more important difference is possible only at higher levels of government where more far-reaching decisions are reached. Yet I did feel that City Hall was sufficiently important to warrant my participation and was prepared to work hard in my new role.

I am now thoroughly convinced that cities have very little control over their economic destinies, but that municipal government is indeed an important arena of policy development, that it has a great deal to do with how people experience everyday life, even if its powers are greatly constrained. I offer as proof some of the policy initiatives of our successors who have a much different philosophy: redefining priorities and shifting Community Development Block Grant funds away from human services into vaguely defined economic development areas; privatizing a city-run child health clinic; supporting the privatizing of the entire school system by the board of education; opposing a soup kitchen being located in a downtown church basement and rooms being made available for recovering substance abusers in a downtown hotel — actions that would not have been contemplated by the council on which I served, however divided it might have been.

In devising and implementing local policy consistent with what Norman Krumholz and Pierre Clavel identified as the thrusts of progressive regimes¹³ — redistribution and participation — we faced enormous challenges that served to complicate or thwart our efforts: the opposing interests, particularly the business and downtown interests; internal dissension; unrelenting needs of the population; fragmented government structures; and our own mistakes. We did succeed in creating a more inclusive local government and opened new avenues of participation, thereby raising popular expectations and, in my view, encountering the types of problems associated with disappointing those expectations. Moreover, that disappointment, felt both by those of us in office who were committed to a progressive agenda and by many sectors of the population, ultimately contributed to electoral defeat.

Tensions within the Progressive Coalition

Progressive coalitions do not work in any automatic sense. Even in coalitions whose partners share similar ideologies and assessments, agreement on courses of action must be carefully forged to ensure unity. In our case, with varying perspectives among the officeholders, unity proved elusive. Yet in order to pursue redistributive policies that in all probability would generate controversy, unity would have been required among the officeholders. The difficulties were endemic from the start: the basis for the 1991 Democratic primary slate and later the People for Change campaign was an anti-incumbent sentiment with different actors and groups signing on for very different reasons and with very distinct assumptions and purposes. All the major forces in the coalition wanted a more inclusive and responsive local government: the African-American community, the Puerto Rican community, the South End group composed mainly of Italian

small-business people, and progressives from the fields of labor, human services, and education.

Although the campaign generated immense energy and hopefulness, there was only a thin degree of unity among the nine council candidates, a weakness that was to be easily exploited by the effort's detractors. Each candidate came to the effort with different personal constituencies and agendas that could be synchronized for purposes of the campaign: the various ethnic and racial leaders who all felt shut out of City Hall could coalesce around particular candidates, while the progressive activists from labor and other organizations could focus on PFC. When the *Hartford Courant* gave its endorsements in the primary race only to several members and not the entire slate, individual rivalries and divisiveness began.

The unity of the coalition was broken essentially by three factors: individual agendas and quests for power; ideological differences; tensions between African-American and Puerto Rican political leaders and how they perceived their community's aspirations. Depending on where one sat, one or another of these factors was more salient. Even within PFC there were different perspectives over whether this was primarily an issue of ethnic succession among communities of color or a progressive/pro-corporate split. Some viewed it as the former, while I viewed it as the latter, with the business interests able to take advantage of ethnic and racial tensions in order to defeat a regime they perceived as too radical.

Individual Quests for Power and Ideological Differences. For roughly eight months, Mayor Perry was able to assert leadership in the coalition. A progressive agenda was being melded in fits and starts. During this time, however, the business community began to court several council members, rifts began to simmer among African-American and Puerto Rican political leadership, and critical issues were coming before the council. A search for a city manager was started.

Eventually, as the title of Chinua Achebe's novel states, things fell apart.¹⁴ The mayor and council had implemented a system of rotating the position of deputy mayor in the beginning of the term in order to avoid a divisive internal election early in our tenure. As July 1992 neared, and the necessity to choose a permanent deputy mayor loomed, jockeying for the position had intensified and one council member, an upwardly mobile African-American woman, was pressuring several colleagues vigorously for their support. She had begun to clash with Mayor Perry and became aligned with the Chamber of Commerce. The key point at which the coalition fell apart occurred when she was able to coalesce a majority of five members — she herself and four others — to elect her deputy mayor.

The ideological differences among the officeholders were not initially a serious basis of division, but they became more salient over time as the personal animosities deepened and ideological divergences could be used by members of the council to justify particular positions on issues. Moreover, the downtown business interests could exploit ideological differences in their efforts to develop loyalty among several council members.

This division produced a situation in which Howard Stanback, the city manager, was a Perry ally, affording her and her council allies access to the city administration, while the corporation counsel became allied with and helped to buttress the five-person majority. Council meetings became long, drawn-out debates — characterized by the local media as bickering — thereby trivializing some of the major ideological or program-

matic disparities between the two factions. On occasion the manager might offer a proposal, only to be blocked by the corporation counsel.

Another key factor in the coalition's not holding together was its lack of programmatic preparation for taking over the reigns of government and its inability to move swiftly to implement policies. Since all six Democratic council members and I were novices, and there was more consensus between the Democratic challengers and People for Change about ousting the prior regime than about what a new approach to governance would resemble, a great deal of time had to be spent after the election and on assuming office acclimating new officeholders. Moreover, there was no prior agreement on specific projects to be undertaken once everyone was sworn into office. Many initiatives had to await the arrival of Howard Stanback, whose experience and philosophy fit with the coalition. He was unable to relocate until June of 1992, a difficult time frame for a fragile coalition to endure. The council first asked an incumbent, more conservative city manager, Raymond Eugene Shipman, to leave, then appointed as interim city manager a veteran attorney in the corporation counsel's office who was close to retirement. During the time the search was conducted for the permanent manager — although it is truly an oxymoron to describe the Hartford city manager's position as permanent — political divisions began to fester. When Stanback arrived, controversy was already simmering despite his competence and experience.

Tensions Under the Rainbow: What I label tensions under the rainbow cannot be underestimated in terms of how they may serve to detract from more redistributive efforts. During the term, these tensions manifested as a contest between the generation of African-American political leaders who had finally achieved a measure of political success in Hartford with certain limited opportunities to create patronage and the newly emerging Puerto Rican political leadership who were anxious to "deliver" to their community. This type of contest over remaining opportunities for patronage, however limited, can easily intensify and poses a most significant obstacle to overcome in multiracial electoral endeavors, despite the similar needs and conditions in the respective communities.

African-Americans and Puerto Ricans defy the conventional ethnic succession model in which political incorporation eventually affords an ethnic community the ability to assimilate and move out of a central city to an ethnically diffused, suburban existence.¹⁵ Few such opportunities are available to Hartford's African-Americans and especially to its Puerto Rican residents, although several suburbs now have growing numbers of those two ethnic groups. Indeed, at the core of the debate surrounding the notion of the underclass is the issue of the persistent lack of opportunity for African-Americans, Puerto Ricans, and other communities of color. Therefore, even as constrained as the patronage opportunities might be, any openings created through political participation and organization are coveted and can become the object of rivalry between the two communities. Although the greatest beneficiaries of such political patronage are the middle class and professional segments of the communities of color, these plums can become symbolically important to the communities.

In our term, one such dispute arose soon after Howard Stanback took office, when he attempted to hire an African-American consultant to do a study of the management information capacity and requirements of city departments. The effort was thwarted when one of the Puerto Rican city council members who had previously endorsed the project changed his position to one of open opposition and eventually garnered suffi-

cient votes to halt the entire project. Economic development loan funds available to small businesses in the city likewise generated similar controversies and broke the coalition's unity.

Redistributive Efforts

There are extremely limited means available for redistributive efforts at the local level. Moreover, any measures an urban regime attempts with respect to redistribution elicit reactions from a variety of constituencies, thereby provoking another key component of a battle over a city hall. Given the context of urban crisis and decay in the United States, this redistributive role of local government and the controversies inherent in such a role deserve attention and analysis. In our case, the relative emphasis within the Hartford coalition on redistributive policies became a focal point of opposition, illustrating a dimension of urban politics that is more than a battle over land use and the terms of fostering of a growth machine,¹⁶ as urban politics are typically described. For urban populists, for a black urban regime, for progressive activists, and for affected impoverished communities, alleviating poverty and providing support to those in need are fundamental motivations for even participating in the electoral arena.¹⁷ Despite all the constraining factors in the attempt to foster social change through a city hall, there are vastly different approaches to local governance, especially in this area.

Controversies over redistributive goals might be characterized as an inevitable consequence of the clash of competing imperatives facing officeholders suggested by Martin Shefter.¹⁸ Alternatively, they may be viewed in a manner suggested by David Harvey as one facet of the experimentation involved in flexible accumulation strategies of capital — a contingent local response to structural change — in which the relative strength of social movements has great influence over the outcome.¹⁹ Regardless, the choices available at city hall have significance in how everyday life is experienced. Hartford's pressing social needs, particularly in the two key areas of education and welfare, and the reaction of the business community to redistributive efforts, exemplified in the case of a local debate on health care reform, depict some of these controversies.

Social Needs Among the Population. A consistent issue for mayors of color, especially a city's first mayor of color, and for urban populists or progressives, is the problem of raised expectations among constituents that everyday life will improve. In Hartford, a small city with the extensive poverty noted earlier, this was certainly the case. The resources at the disposal of City Hall to deal with such poverty are largely inadequate, although it is clear that local government has a role to play in addressing inequality. Two important areas illustrate this dilemma.

Education: Hartford's heavy reliance on property taxes to raise local revenue juxtaposed against a school system overburdened by attempts to educate the poorest children in the region has produced a crisis-ridden education system. During the first year of the council term, a protracted set of negotiations between the teachers union and the board of education produced a contract settlement that the council had to ratify. The contract, which came under heavy criticism by the media, various political leaders, and a parent group, was characterized as too generous to the teachers in light of the city's dire budgetary straits. The majority of council members approved the contract, given that through the terms of the agreement certain costly arbitration awards were dropped by the teachers and incentives for early retirement were created. Leaders in the teachers union had been a vital part of the winning coalition, a fact that was seized on by the forces opposing the settlement.

As budget deliberations unfolded during each of the term's two years, huge deficits were faced: \$17 million in the first year and \$30 million in the second within an overall budget of between \$430 million and \$440 million. In Hartford's system, the city council adopts a budget that includes the board of education's allocation, an amount generally less than that requested by the board in an often highly publicized request. The funds appropriated to the board account for close to half the operating budget outright and there are additional costs associated with education that are absorbed in other portions of the city's budget. Yet there is generally a great deal of tension over how much the city allocates to the board, and the two bodies often engage in a public rhetorical slugfest over how much the city can afford, what with all the other services it must fund, versus what it should devote to education. For a progressive on the council side of the dilemma, it ranks as a worst nightmare.

A highly vocal parent group that emerged from a South End neo-Alinsky organization pressured the council for more education funds.²⁰ It was especially tenacious during the second year of the term in lobbying for several million more dollars than the council had adopted. The group demanded the attendance of the mayor and council members at many meetings, hounded the city manager, and continued coercion until they received a commitment of allocation funds as they could be identified during the course of the fiscal year. When the regime changed, the new incumbents reneged on that pledge.

Many of the parents in this group were also active in Peters's 1993 campaign, supported the Republicans and their conservative thrust for the council — it was the Republican leadership that decided not to fulfill the promised funds for education during the portion of fiscal year 1995 when they assumed office — and became ardent supporters of a plan to privatize the management of the schools, the first time such an extensive privatization plan has been attempted.

Welfare: Hartford's population includes a large number of families and individuals on public assistance. As noted earlier, over 27 percent of the city's population lives below the poverty line, and large numbers of working residents constitute the working poor. Hartford has the largest general assistance (GA) caseload in Connecticut, usually some one-third of the state's entire GA population. Social services available in Hartford generally are not replicated in suburban towns in the region so that people in need of those services leave their towns of origin and find refuge in Hartford's network of shelters and services.

We attempted to deal with the issue of welfare by asserting ourselves in the debate at the state legislature over changes and reforms to the welfare system and by attempting certain innovations in mental health services and job training for clients. When the legislature enacted a law that allowed cities to limit the receipt of general assistance to nine months, Hartford opted not to institute the provision because such a move would create huge disruption in the lives of the recipients as well as certain unrest. Moreover, in 1992, when the legislature considered ending general assistance for so-called employables, the elected officials testified at the legislature against the proposal. In addition, the council voted to approve a tent city overnight demonstration by GA recipients in a major downtown park as a protest, despite the opposition of downtown businesses to the event. By its vote, the city council agreed to waive requirements for insurance coverage for the demonstration and assume liability, along with other fees that are routinely assessed — but often waived wholly or in part — for organizations that plan events in city facilities and parks. Council members who were disposed to vote against such measures were informed by the Connecticut Civil Liberties Union that it would

seek an injunction against the city if it attempted to bar the demonstration.

Elements of the local media criticized these actions as too permissive and not strict enough with welfare recipients. They are in stark contrast to the actions of the majority of the succeeding council and mayor, who came out against a move and expansion of a soup kitchen operated by Catholic nuns from a building just north of the major business district into a downtown church basement across the street from the Civic Center. That leadership also supported a controversial position of the archbishop of the Hartford archdiocese, who blocked the proposed move. Later, the same officials opposed the use of several floors of a financially failing downtown hotel as housing for independently functioning recovering substance abusers. The hotel later closed after a good deal of controversy over the stance of the city officials, who also enacted a moratorium on any local social service expansion.

Reaction from the Business Community and Health Care Reform. The members of the 1989–1991 city council and their 1991 mayoral candidate received a great deal of backing from the business community. However, with an entirely new group of Democrats and a greater role for People for Change in that term, business interests had to readjust. One important episode involved the debate on health care reform in early 1992, a clear illustration of a redistributational controversy.

Health care reform had been a priority in the platforms of both the Perry slate and the PFC and became part of the council agenda in an effort to begin to implement the platform. This issue was included before the nomination of Bill Clinton for president, before the concept of managed competition emerged, and before any serious prospect of action by Congress was contemplated. It was being considered while the major debate on the issue was between advocates of the single payer Canadian-style plan and the pay or play alternative. Moreover, it was taking place in the city known as the insurance capital of the world, nicknamed the insurance city, where Aetna and Travelers Insurance companies are the largest taxpayers and active in many facets of community life. So as the council considered a resolution that in its original form essentially endorsed the single payer plan, the insurance companies, to coin a phrase, went ballistic.

I chaired the council committee before which the resolution was debated and was told by an Aetna government relations official that passage of the resolution would be considered a hostile act by the city council. Even though the resolution was primarily symbolic, the insurance companies took it very seriously. Insurance company employees were mobilized to testify at council hearings, a most atypical occurrence. One of them stated that the Hartford city council's endorsement of health care reform would be like Detroit's city council endorsing the relaxation of car import restrictions. Congresswoman Barbara Kennelly of Connecticut's first congressional district was enlisted to call me at my home to discuss the issue. In the end, by a vote of 6 to 2 with one abstention, the council passed a modified resolution that did not endorse a specific plan for reform but enumerated the principles we felt should be addressed through reform — of access, cost, universality, and quality among others. However, with the business community smarting from this action, it reverberated over time and was often used to illustrate our insensitivity to business.

The business community, notably through the Greater Hartford Chamber of Commerce, tended to deal with only a few of the council members who were most disposed to concur with business's positions. An offshoot of the chamber, the Downtown Council, developed its agenda of issues for the city and enlisted two members to participate in

the body and take its agenda back to the city council. Moreover, despite the fact that city manager Howard Stanback was extremely skilled in the field of economic development and had extensive experience in working with the private sector — for example, overseeing a multimillion-dollar expansion of O'Hare Airport while serving as Chicago's commissioner of aviation — the impression of a regime unfriendly to business persisted. This issue culminated in a speech delivered by Ronald Compton, CEO of Aetna, to the Chamber of Commerce during the 1993 primary campaign season in which he lambasted City Hall leadership for its unfriendly attitude toward the corporate sector. This speech was referred to continuously by our opponents in the campaigns. On the election of Michael Peters, Compton convened a round table of elected officials — the newly elected mayor, several incumbent state legislators, and reelected and newly elected council members — business leaders, and several community leaders to begin a new type of dialogue. In a similar forum held during the fall of 1994, Compton declared that City Hall was now a hospitable place for business.

Mistrust by the business community was based on council specific actions and individual council members' support of agendas viewed as antagonistic to business goals. I, having extensive ties to the labor movement, was often approached by unions for assistance on their issues. During several local strikes, the council took actions such as ensuring that the conduct of police on picket lines was fair to strikers; allowing warming trailers within the city's right-of-way near strike sites; pressuring companies through council resolutions and appeals by the mayor's office; assessing companies for the cost of police overtime at strikes in which companies' unfair labor practices were documented; and three council members participating in a strike-related civil disobedience action on one Martin Luther King birthday. I also worked with labor activists to craft an ordinance that established a workplace rights commission whose role was to be as a monitor of city economic development activity vis-à-vis the nature of the job creation and labor relations fostered by city economic development. These actions made the business community uncomfortable with the actions of the council and with me in particular when fairness to workers emerged as a theme. We maintained that workplace fairness did not have to be construed as antibusiness.

Public Perceptions of and Participation in the Coalition's Efforts

The 1991–1993 Hartford city government was a highly public and highly publicly scrutinized one. We attempted to involve a wide variety of constituencies in city issues, develop new means of hearing the public and new methods of participation. The results of our efforts were sometimes characterized as creating an unruly atmosphere in meetings that went on too long. It seemed to some of us that we could rely on the *Hartford Courant* to construe anything it could as either a scandal or evidence of our incompetence or hostility to business. Yet we were able to fashion some very innovative approaches to governance.

Hostility of the Local Media. It is extremely difficult to convey the magnitude of the local media's influence over the popular perception of our tenure in office. The city's one daily newspaper, the *Hartford Courant*, functions as a key ideological outlet and source of information for the entire state of Connecticut. Its executive officers play an important role in many organizations throughout the state and in Hartford — for example, the Downtown Council — and the tenor of the editorials and news reporting has a far-reaching effect on the public's perceptions of officeholders. The *Courant* was unen-

thusiastic about the election results — it had often endorsed Perry's opponents in previous primaries and general elections. During the two years, it carried many critical editorials on issues ranging from the health care resolution to the enactment of an anti-apartheid selective purchasing ordinance to the handling of city projects, council appointments, and more. The City Hall reporters were particularly adept at orchestrating issues that portrayed the mayor and her council supporters as radical, inept, corrupt, antibusiness, and so forth, negatively. Yet they downplayed or minimized her opponents' comparable issues. Two columnists hammered the mayor continually and often gratuitously, inserting a jibe about her in a topic unrelated to City Hall or her actions. The council was characterized as beset by bickering. Quotations attributed to council members were often construed for sensationalist touches in the stories.

There were few outlets for countering the *Courant* or offering a different perspective. Three English-language weekly community papers, one Spanish-language semimonthly community paper, and one so-called alternative weekly, an arts-oriented paper, commented on city events with more varied perspectives, but they also exhibited the divisions of the community in some of their coverage. Two African-American-oriented newspapers provided coverage generally less hostile to Perry and Stanback's efforts and those of their supporters. One paper, distributed citywide, but primarily oriented toward the prevailing politics in the South End, provided mixed coverage, but often was critical of either Mayor Perry or her council supporters. The Spanish-language paper alternated between supporting the coalition's efforts and offering stories more critical of the Perry group after the council split occurred.

The broadcast media, notably the local affiliates of major television networks, did not devote as much time in their newscasts to details of City Hall activities, but frequently portrayed their most circuslike aspects on the nightly local news. The local radio talk show hosts had a field day with the events. One former such host had previously been a police officer in Pennsylvania, and when the local police union clashed with the mayor over the issue of establishing a police civilian review board, he presided over a daily, constant barrage on his show. For reasons never fully disclosed to the public, he was eventually dismissed from his position, then hired briefly as a lobbyist by the Hartford Police Union.

Participatory Opportunities and Mechanisms. From 1991 to 1993, hundreds, perhaps thousands, of people came in and out of the building: lobbying, demonstrating, working with council members, the mayor, or city manager on various projects. Since the format of the twice-monthly council meetings is fairly rigid and offers no opportunity for public participation during the discussions, we decided to precede the meetings with open forums in which the public could comment on issues before the body. Council meetings formally begin at 8:00 P.M., so we scheduled the public session at 7:30 before the meeting. That portion sometimes lasted until after 9:00 P.M. as many individuals and organizations raised their concerns. It was the first time such a practice had been instituted; previously, only ad hoc demonstrations to defy conventional processes provided such opportunities.

The *Hartford Courant* was critical of this innovation, complaining that too much of a circus atmosphere was created at the meetings. Some council members were also disdainful of the sessions, particularly when they were publicly disparaged. All of us took our share of disapproval during the two years of these forums. Yet for Perry and her supporters this new avenue for public input became a symbol of an important direction

for government, and we felt that the press's opposition to these sessions represented an undemocratic impulse.

We attempted other, more substantive methods of increasing participation to address needs. The city manager's office developed the concept of targeted neighborhoods for city services.²¹ Initially four neighborhoods, each with pressing but distinct needs, were selected. Local community organizations were brought together in these neighborhoods and either the city manager or a deputy city manager worked with each of the groups to identify municipal service needs and public-private partnerships that could be developed for each area. Community-based organizations had to agree to put aside their own differences and work together. The plan was for a coordinated set of services to be delivered in each neighborhood: combined intake procedures for city social service, employment, and health programs; collaboration between the local schools, the city, and the community-based organizations. Community policing was to augment the collaboration. Some services were to be subcontracted to the community groups. Local hospitals, colleges, and other institutions were to be brought into the mix in new ways.

Many of these efforts were beginning to take more concrete form toward the end of our term of office. Some initiatives proceeded more quickly than others, and some of the collaboration lives on after the departure of Howard Stanback.

New forms of citizen participation included better utilization of city commissions. We created several new bodies during our tenure — the Workplace Rights Commission noted above, commissions on gay, lesbian, and bisexual issues and on ethnic diversity — and envisioned their role as providing input to city government on their respective issues. We also relied on advisory groups and existing commissions. As chairperson of the Affirmative Action, Employment, Health, and Social Services Committee, I met with and sought input from more than half a dozen commissions and advisory bodies in devising city policy. It was both energizing and very useful to have these groups available because I felt that I had simply been thrust into the middle of a number of issues, so the guidance of interested parties was important.

Incorporation of Newly Emerging Constituencies and New Methods of Incorporating Constituencies. The establishment of the Commissions on Gay, Lesbian, and Bisexual Issues and the Commission on Workplace Rights, as well as other activities undertaken to address the needs of various populations, represent not only new mechanisms for participation, but the political development and incorporation of constituencies in new and different ways. Constituencies considered either peripheral or on the wane in influence were able to insert themselves into municipal political processes with high degrees of success.

Intensive political organization on the part of the Hartford gay and lesbian community over the recent past, and especially as a key component within People for Change, meant that their political presence had to be taken seriously and their needs and demands met by City Hall. During our tenure, we passed the Domestic Partnership Ordinance, establishing a process for registration and recognition of domestic partnerships, both same-sex and opposite-sex unions, but not extending health benefits to domestic partners of city employees. The latter provision was agreed to by commission members as a compromise in answer to criticism that a financially stressed city could not afford to provide this benefit, a key argument offered by opponents of the entire plan. The domestic partnership issue evoked the wrath of conservative religious forces in the city.

Within People for Change, labor was not regarded simply as an interest group to approach during elections for endorsements, money, and poll workers, but as a key constituency whose needs government should attempt to facilitate. This would be at least one way to balance the general access and power that corporate interests exert in influencing government policy and decisions. It goes beyond the conventional views about construction unions and their involvement in the growth machine²² — often the beginning and end of a discussion of labor in urban politics — leading to a more fundamental view of labor as a force for industrial democracy and social change.²³ Labor's needs in strikes, organizing, and other activities were taken seriously as issues in which government could be called upon to intervene with positive results for unions.

Activism and Advocacy: One key feature of local government during these years was active involvement in a variety of equity-oriented issues and advocacy on behalf of community residents. Whether in the arena of welfare, employment training, housing, recreation, health services or other municipal goods and services, the orientation was that government could and should be called upon to play an advocacy role. Moreover, the role should be strongly redistributive and accrue benefits to local constituencies. These include the utilization of local businesses, contractors, and firms, the protection of benefit levels for recipients of public assistance, housing initiatives that emphasize urban homesteading and home ownership opportunities, and recreational activities geared toward equalizing provision of services across different neighborhoods.

I devoted considerable effort to the city health department's AIDS programs and the facilitation of a local needle exchange program in collaboration with several community organizations. When problems developed in obtaining required insurance for the community organizations, we decided that the city should extend its own insurance to provide the necessary coverage, a controversial move to the career city bureaucrats. Later, when bureaucratic bungling by the health department resulted in the loss of state funding for certain AIDS activities, we developed a community advisory committee of AIDS organizations both to advise the health department and to hold it accountable. The committee, which still meets, was successful in leading a campaign to restore AIDS programs slated for elimination to the budget during the 1994–1995 deliberations of the succeeding council.

In these matters, our orientation was that government could and should play an active role in social advocacy: several officeholders who succeeded us have vastly different orientations that would perhaps allow such projects to falter or die without city intervention. Not unexpectedly, they believe city intervention should foster business development as opposed to fostering social services.²⁴

Preservation of Municipal Services. One additional area involves our approach to budget decisions and our desire to preserve the level and scope of services provided by the local government to the greatest extent possible. As mentioned previously, the operating budgets we considered ranged between \$430 million and \$440 million; and Hartford has faced budget crises for several years. During the first year of our term, the city faced a \$17 million budget deficit; the second year it was \$30 million. Property taxes were already extremely high, and there was no serious consideration to raising them. Layoffs, union concessions, and other measures whose burden fell heavily on municipal employees were abhorrent to me, to most of the council members, and to the mayor.

In 1992 layoffs were avoided by a number of the bargaining units agreeing to copayment plans in their insurance combined with hiring freezes and other cost containment measures. In 1993 we looked under every rock and at every possible method of saving. Besides additional hiring freezes, reorganization, reduced contractual recreation services, we considered a host of other cost containment strategies. We adopted an early retirement plan for city employees, which came under intense criticism by the press and by Nicholas Carbone — by then director of a legislative think tank on municipal issues — but allowed for minimal layoffs.

One strategy we resisted, which has been the hallmark of the succeeding city government, is a move toward privatization, a strategy eagerly embraced by the current board of education — the first such entity in the country to privatize the management of the entire school system — but also championed by the succeeding mayor and city council majority. Several members of the 1991–1993 city council on both sides of the five-four divide had ties to organized labor and were philosophically inclined against privatization, so such measures were not considered seriously. There was general consensus that cheaper, privatized services were not adequate answers to Hartford's problems as compared to regionalization and state-level solutions to the fiscal problems of central cities.

Other Positive Accomplishments

Despite the formidable obstacles and disappointments suffered by those of us who wanted a progressive coalition to succeed, several more accomplishments consistent with progressive orientations were achieved. Both affirmative action and economic development efforts can be mentioned. Some have withstood the transition to the next regime, while others have been erased since December 1993.

Affirmative Action. As in other cities that elect African-American mayors, one of the key improvements during our administration was gains in affirmative action among the leadership of the city workforce. First, the composition of the city council itself was for the first time more balanced and reflected the city's population: three African-Americans, three Puerto Ricans, and three whites; five women and four men. Three of us were full-time public-sector employees and public-sector union members. Hartford had an African-American female mayor, an African-American city manager, a Puerto Rican corporation counsel. Moreover, during his tenure, Stanback appointed a number of people of color as key department heads, including the city's first African-American police chief and first African-American fire chief. He named Puerto Ricans and African-Americans as heads of a number of departments, as well as deputy city manager and other important administrative posts. Many of Stanback's appointees have since been replaced.

Reorganization for Economic Development. Within city government, reorganization was accomplished to combine and unify the various economic development functions. Work was done to create more collaboration across departments and a greater preference for customer service among the staff.²⁵ Housing, planning, redevelopment, and business retention departments were placed in one new division, Community and Economic Development, to maximize collaboration. Efforts were undertaken to develop closer ties to area higher education institutions for consultation on business development. Some of this has been unassembled since our leaving office, but many of the initiatives will certainly benefit our successors.

Construction Projects as Economic Development. A vital thrust in economic development was to ensure that opportunities were being created for local and minority businesses. A model used with partial success on a school renovation project in Hartford offers an interesting method for maximizing minority business participation in municipal projects served as a pilot program for a larger school construction project. The millions of new construction dollars in the pipeline generated demands for inclusion of minority contractors and minority construction trade entrepreneurs in the project. Stanback had employed a similar model in the O'Hare Airport expansion projects in which the construction was broken down into small jobs for which minority contractors could bid and more easily obtain the financial guarantees necessary to participate in such endeavors. Instead of using a general contractor, the city would retain the services of a construction manager, a private firm that would act as the city's agent and attempt to carry out social goals such as affirmative action and minority business participation in the selection of companies to be involved in the project. Larger contracting firms had the capacity to bid on jobs either as general contractor or construction manager. The construction manager would be responsible for working with the city and devising bid packages that would lend themselves to the inclusion of small, minority businesses.

The project became embroiled in the incessant political maneuvering that takes place within the council. A selection panel that included four council members — serendipitously three from the minority caucus — and several city and school board employees initially selected a firm for construction manager whose proposal included a partnership with another firm experienced in the development of financial assistance to minority businesses in the areas of bonding and finance. This plan would be useful in achieving the goal of maximum participation of minority businesses that would be urged to employ and train local residents in need of employment. In an unusual insertion of itself into the affairs of the city manager's office, the council majority rejected the city manager's formal resolution to the council to hire the selection panel's choice and another company, approved by the majority, was selected. That company faltered badly in attempting to manage the project and was finally released. Stanback, whose expertise would have been required to make the effort work, left the city manager's office in December 1993; the building trades had put up obstacles to the minority firm goals; and the renovation fell more than a year behind schedule.

A Clash of Priorities

Adolph Reed urges an examination of whether a "black regime maximizes the options open to it, within its limited sphere, to press the interests of the rank-and-file black constituency" rather than capitulate to the progrowth corporate agenda that has generated a marginalized urban poor.²⁶ Experiences in Hartford reveal the response on the part of a highly organized corporate sector to attempts at progressive governance to pursue these goals. Utilizing Paul Peterson's categories of the policies undertaken by municipal government — developmental, allocational, and redistributive — the critical dimension of the fight over city hall in a city such as Hartford in this period is the conflict between the redistributive needs of those who remain in central cities and the developmental needs of those who amass profits in cities.²⁷ At times, public officials who seek to address these two sets of needs can coexist in local legislative and administrative bodies. But when redistributive issues are seen as too costly or a perception develops that officeholders are going too far, as I believe was the case with

Hartford's corporate sector during 1991–1993, and with buttressing by traditional political rivals, there is hardly space for a progressive regime to succeed or even to attempt to succeed. In Hartford, government capacity is so severely strained that even allocational issues — public safety, sanitation service, parks, and so forth — took on a redistributational dimension.

Using Martin Shefter's imperatives of local officeholders, even the successes of generating sufficient votes in 1991 and preserving Hartford's credit rating, which was AA in 1993, did not overcome the problem of regulating and containing conflict among city residents.²⁸ As we attempted to open up government, greater expectations developed, more conflict ensued, and more disappointments followed. How conflict was fueled, orchestrated, and taken advantage of contributed to our most severe problems, lack of unity and unfulfilled expectations.

The urban regime literature primarily considers questions of development as the defining element of urban politics, but issues of race, redistribution, social consumption, and other areas may need to figure more prominently in the discussion, notably in older cities such as Hartford, with political leadership of color, at least insofar as they constitute a compelling agenda for urban policymakers. Particularly when the urban government undergoes dramatic shifts, vacillating between progressive regimes and urban conservatism, the embodied frustrations require deeper analysis. New urban-based social movements, identity politics, other embodiments of popular grievance, and a backlash to these developments also factor into the urban political terrain and assert their presence in the electoral arena.

The Continuing Significance of Race and Its Manipulation

The shift in character from the 1991–1993 City Hall leadership to the 1993–1995 council majority and mayor could be construed as a rejection of progressive or redistributive initiatives by the local electorate. However, one could argue that there were additional dynamics at play, that the shift was more centrally concerned with race and the opportunity for whites to reassert political control. White voters easily grasped this possibility, and South End politicians, fortifying the urban political trenches, could exploit it.²⁹ Impressions of incumbent officeholders were orchestrated by downtown business interests which felt threatened by the thrust of the Perry coalition, aided by the *Hartford Courant's* editorial policy, in a manner that played upon the anxiety of the electorate. The racial dimensions of the 1993 election would be paramount, but they would not be publicly acknowledged as the issue within the election. Furthermore, a split in the Puerto Rican political community produced sufficient support for mayoral candidate Michael Peters to garner an important cushion in his margin of victory and also for the Republicans against People for Change.

The fusion slate gained the support of downtown interests not necessarily because of a preference for Republican social welfare policies, although certain members of that group may have held such beliefs, as much as fear that People for Change and the more liberal Democrats would go too far in the redistributational direction, too far in their support of labor, and create obstacles for or minimize the corporate agenda. Also, the patronage network that existed and fed off of contracts and arrangements with City Hall and various other city agencies rightly feared that new arrangements could and would be fashioned. We were perceived as a threat by this combination of forces, for whom our defeat was important.

Possibilities for Redistribution

Although some of us were clearly interested in using the electoral arena and local government to pursue a redistributive agenda focusing on impoverished communities of color, we were not sufficiently powerful to obstruct the developmental needs of the corporate sector if community benefits and fairness to the local workforce could accrue, no matter how leftist our personal ideologies. Still, I believe, the corporate interests disproportionately feared our agenda and did not fully understand the inherent limits that people like me perceived we faced. Even when we tried to accommodate the concerns of business interests on issues of downtown development, job training programs, public safety, and other concerns, or when we concurred with the Chamber of Commerce on such issues as opposing a proposal for a casino, they were sufficiently discomfited to warrant their intense mobilization in opposition to our reelection.

A personal example drove this point home to me. During the spring of 1993 there was a possibility of moving the New England Patriots from Boston to Hartford. As an alternative to a widely heralded proposal to build a casino in Hartford, the Patriots move seemed much more desirable and could defuse casino support. Several of us participated in booster campaign activities to bring the football team to Hartford. Having grown up in Wisconsin during the Green Bay Packers' glory years, I appreciated the game and thought that professional football was much better for Hartford than casino gambling. When I appeared with Mayor Perry at a downtown rally to support the effort, the president of the Chamber of Commerce, an important actor in the electoral campaign against us, astonished to see me at such an event, said to me, "Who would have thunk [*sic*] it!" Perhaps his patronizing comment was his attempt to overcome the social tension of sharing the platform with me. After all, I was not hostile to such grand economic development schemes in and of themselves, but they had to provide tangible benefits to the people of the impoverished neighborhoods, who were my first concern.

The Battle over What?

Since leaving office, I have watched a new governing philosophy emerge in Hartford, one of privatization, minimization of local government's role in solving social problems, and true hostility toward the poor and the programs that service their needs. The difference is stark and, for many of us, frightening. The new regime, particularly its mayor, has a brilliant public relations apparatus and overwhelming support from the *Hartford Courant* that downplays the severity of the impact of its policies. Their intent is to depopulate the city of its poor by dismantling public housing, razing abandoned housing that could be rehabilitated in new configurations, and dismantling supportive social services. Whether such strategies are peculiar to Hartford or replicated elsewhere, they seem to represent an extreme approach to urban governance, which has been bolstered by political shifts in Congress.

Despite all the constraints and contention, there are possibilities, limited to be sure, for reform and redistribution at City Hall. Progressive movements, particularly those with roots and ties in the communities of color, offer some hope that life in American cities can be a little easier, a little less harsh, with a greater degree of popular participation. Furthermore, the adoption of an advocacy posture by local government, both in and of itself and in combination with progressive forces, is another dimension of the battle, another political choice for urban officeholders. Serious questions remain as to

how to ensure that politicians who emanate from these urban social movements remain connected to their popular base and how to link these localized movements to a larger, more national whole, subjects for much more future speculation. ♣

Notes

1. See Norman Krumholz and Pierre Clavel, eds., *Reinventing Cities: Equity Planners Tell Their Stories* (Philadelphia: Temple University Press, 1994); *Harold Washington and the Neighborhoods: Progressive City Government in Chicago, 1983–1987*, edited by Pierre Clavel and Wim Wiewel (New Brunswick, N.J.: Rutgers University Press, 1991); Pierre Clavel, *The Progressive City* (New Brunswick, N.J.: Rutgers University Press, 1986); Clarence Stone, "Summing Up: Urban Regimes, Development Policy, and Political Arrangements," in *The Politics of Urban Development*, edited by Clarence Stone and Heywood Sanders (Lawrence: University Press of Kansas, 1987); Clarence Stone, Marion Orr, and David Imbroscio, "The Reshaping of Urban Leadership in U.S. Cities: A Regime Analysis," in *Urban Life in Transition*, edited by M. Gottdiener and Chris Pickvance (Newbury Park, Calif.: Sage, 1991).
2. Krumholz and Clavel, *Reinventing Cities*.
3. Wanda Katz-Fishman, Jerome Scott, Ralph C. Gomes, and Robert Newby, "Politics of Race and Class in City Hall," in *Research in Urban Sociology: Race, Class and Urban Change*, edited by Jerry Lembcke (Greenwich, Conn.: JAI Press, 1989).
4. See David Rusk, *Cities Without Suburbs* (Baltimore: Woodrow Wilson Center Press, Johns Hopkins University Press, 1993).
5. Eric Lipton, "Hartford Still among 10 Poorest Cities in Census Report," *Hartford Courant*, December 10, 1992, sec. C, 1, 11.
6. Peggy McCarthy, "In Hartford, the Best and Worst of Times," *New York Times*, February 7, 1988, sec. 11, 1, 14.
7. Hartford Planning Department, "Census Data Release." Mimeographed, 1991.
8. Larry Williams, "A Society Far Apart," *Hartford Courant*, September 25, 1988, sec. A, 1, 15.
9. Ira Katznelson, *City Trenches* (New York: Pantheon, 1981).
10. Clavel, *The Progressive City*.
11. See Joan Fitzgerald and Louise Simmons, "From Consumption to Production: Labor Participation in Grass-Roots Movements in Pittsburgh and Hartford," *Urban Affairs Quarterly* 26, no. 4 (1991): 512–531; David Gillespie, *Politics at the Periphery: Third Parties in Two-Party America* (Columbia: University of South Carolina Press, 1993), 230–231; Louise Simmons, *Organizing in Hard Times: Labor and Neighborhoods in Hartford* (Philadelphia: Temple University Press, 1994).
12. Bruce Shapiro, "Democratic Gadfly in Connecticut," *The Nation*, August 30, 1988, 104–144; Jonathan Rabinovitz, "Proudly Liberal, and Newly Powerful," *New York Times*, September 20, 1994, sec. B, 1, 5.
13. Krumholz and Clavel, *Reinventing Cities*.
14. Chinua Achebe, *Things Fall Apart* (New York: Facade Crest, 1959).
15. Robert Dahl, *Who Governs?* (New Haven: Yale University Press, 1961).
16. Harvey Molotch, "The City as a Growth Machine," *American Journal of Sociology* 82, no. 2 (1976): 309–332; see also Stephen Elkin, *City and Regime in the American Republic* (Chicago: University of Chicago Press, 1987); Stephen Elkin, "State and Market in City Politics: Or, The 'Real' Dallas," in Stone and Sanders, *The Politics of Urban Development*.
17. Adolph Reed, "The Black Urban Regime: Structural Origins and Constraints," in *Power, Community, and the City*, edited by M. P. Smith (New Brunswick, N.J.: Transaction Books, 1988); Larry Bennett, "Harold Washington and the Black Urban Regime," *Urban Affairs Quarterly* 28, no. 3 (1993): 423–440; see also Manning Marable, "Harold Washington's Chicago: Race, Class Conflict, and Political Change," in Lembcke, *Research in Urban Sociology: Race, Class, and Urban Change*.
18. Martin Shefter, *Political Crisis, Fiscal Crisis: The Collapse and Revival of New York City* (New York: Basic Books, 1985).

19. David Harvey, "Flexible Accumulation through Urbanization," *Antipode* 19, no. 3 (1987): 260-286; see also Susan Clarke and Andrew Kirby, "In Search of the Corpse: The Mysterious Case of Local Politics," *Urban Affairs Quarterly* 25, no. 3 (1990): 389-412.
20. See the discussion of neo-Alinsky organizations in Robert Fisher, *Let the People Decide* (Boston: Twayne Publishers, 1984); see also Simmons, *Organizing in Hard Times*.
21. See interview with Howard Stanback in Krumholz and Clavel, *Reinventing Cities*.
22. Molotch, "The City as a Growth Machine."
23. Robert Kuttner, "Will Unions Organize Again?" *Dissent* 34 (Winter 1987): 52-62; Robert Kuttner, "Unions, Economic Power, and the State," *Dissent* 33 (Winter 1986): 33-44; Simmons, *Organizing in Hard Times*.
24. As an example of how councilman Michael McGary justifies the priorities of the Community Development Block Program being shifted away from social services into development areas, he wrote in the community paper *Hartford News*, June 1-8, 1994, edition, "Every new social ill, true or exaggerated, immediately becomes a reason for a state [*sic*] of studies (by paid consultants), followed by committees (usually made up of potential directors) who agree on a program. Soon, the tweed [*sic*] ring of social activists find funding from a well meaning church, corporation, or foundation. After a year or two, so much progress is made that it is time for an application for CDBG funds. . . . Each and every program sounds laudatory at the outset. Social goals to be met, 'clients' to be served, staff well trained, and funding in place. However . . . several years later, goals have undergone a metamorphosis of some type, 'clients' usually slip down the social-economic scale, staff has changed (never for the better), and cash is always a problem."
25. See interview with Howard Stanback in Krumholz and Clavel, *Reinventing Cities*.
26. Reed, "The Black Urban Regime," 168.
27. Paul Peterson, *City Limits* (Chicago: University of Chicago Press, 1981).
28. Shefter, *Political Crisis, Fiscal Crisis*.
29. Katznelson, *City Trenches*.

The Repeal of Rent Control in Cambridge

Robert P. Moncreiff

In the November 8, 1994, state election, Massachusetts voters approved a question placed on the ballot by initiative petition passing a law that effectively outlawed rent control throughout the commonwealth. This law had its most dramatic effect in Cambridge, where a stringent rent control system had been in effect since 1970. The success of the petition was realized primarily through the grassroots efforts of a coalition of small-property owners in Cambridge who felt aggrieved by the city's rent control system. The use of a statewide vote on an initiative petition to enact a law with predominantly local effect created for its proponents a variety of legal and political problems. These were overcome one by one through lawsuits and volunteer efforts in which failure was repeatedly averted by slender margins. This article is a detailed account of that process.

Background

Rent control came to Cambridge in 1970 in the ferment of Lyndon Johnson's Great Society. The legendary city councillor and four-time mayor Edward A. Crane, its principal opponent among Cambridge political figures, predicted that if the city adopted rent control it would never get rid of it, and nearly a quarter of a century later there seemed every reason to believe that Crane was right. At all times after its adoption, it had the support of a majority of the city council. The city's traditional "good government" organization, the Cambridge Civic Association (CCA), whose endorsed candidates regularly constituted a majority of that body during the early 1990s, made support for rent control a condition of endorsement. The only significant change in the city's rent control system as originally adopted, through an ordinance approved in 1979, notably strengthened it by providing that any rental unit sold as a condominium to a buyer who was not the tenant on the effective date of the ordinance could not be occupied by the owner, but must remain a rental unit subject to rent control.

A ballot question that would have relaxed this limitation on condominium conversion was soundly defeated in the 1989 municipal election. A measure that imposed a surcharge on controlled rents to create a fund for improvements to substandard rental units had the support of all but one city councillor in the spring of 1991, but was rescinded

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that summer when the five CCA-endorsed councillors withdrew their support under pressure from organized tenant groups. Then suddenly, at the end of 1994, rent control as Cambridge had known it was gone, repealed by a statewide vote on an initiative petition. This article chronicles how that startling reversal came about.

The story begins with the formation in 1987 of an organization in Cambridge called the Small Property Owners Association (SPOA). Native Cantabrigian David P. Sullivan and his wife, Aline, were instrumental in this endeavor. Until the mid-1980s they were not personally affected by rent control, since the first-floor rental unit in their two-family house on Huron Avenue in West Cambridge came under an exemption in the Cambridge rent control law for units in an owner-occupied two- or three-family house. In 1986, however, Sullivan bought from his elderly father three "ordinanced" condominiums in a six-unit building on nearby Chilton Street, so described because they were caught by the 1979 ordinance described above and could not be removed from the rent control system.

A year later he petitioned the rent control board to recover possession of one of these condominiums from the tenant so that it could be occupied by a daughter who was about to be married. Sullivan was proceeding under a provision of the law permitting recovery of possession by the landlord for occupancy by himself or members of his family. But the petition was denied on grounds that the Sullivans believed had no basis in the law, and only after two years and substantial concessions to the tenant were they able to recover possession. They came away from the experience with the clear impression that the law was being administered by a strongly pro-tenant staff that was hostile to landlords.

The Sullivans, soon finding that this view was shared by many small-property owners in Cambridge, concluded that these owners should organize to protect their rights. SPOA was the result. Owners of buildings with twelve or fewer rental units were solicited for membership, and by degrees the list grew until by the early 1990s more than a thousand members were paying modest dues to support a program of regular informational meetings, a monthly newsletter, and legal action on behalf of landlords.

Among the small-property owners who became active in the affairs of SPOA was Denise Jillson, who played the central role in the repeal of rent control. Jillson grew up and attended public schools in Somerville. In 1975 she married a Cambridge man and moved with him to Malden, where they began their family. Hoping that they could someday live in Cambridge, in 1986 they were able to buy a four-family frame house on Chester Street in North Cambridge, just off Massachusetts Avenue. The four units in the house were subject to rent control, but Jillson and her husband planned to take advantage of the provision in the law, noted above, allowing a landlord to recover possession of a rental unit for his own use, and to move into the largest of the four units. Like the Sullivans, they were frustrated by the staff of the rent control board and subjected to a long delay — for the benefit of a tenant who, Jillson says, was herself renting sleeping space in the unit to others — during which Jillson's family had to live with relatives. Her frustration led to her participation in SPOA, and by 1992 Jillson was a co-chair of that organization.

We must now meet another central figure in the story of the repeal of rent control in Cambridge, Jon R. Maddox, a lawyer in his early forties. Maddox, a graduate of Brown University and the Suffolk Law School, in early 1993 was living with his wife and practicing law in a condominium at 9 Ellery Street in Cambridge. He had bought the unit some years earlier without realizing that it was an ordinated condominium that

could not be legally occupied by its owner. When he became aware of the problem, he placed the unit in a trust for the benefit of a family member, thus separating ownership from occupancy. But he continued to make mortgage payments and bear other costs that in the aggregate far exceeded the maximum permitted amount at which the unit could be rented under the rent control system, and he knew that his legal position was vulnerable.

Maddox's predicament, and the trust device employed to address it, were not uncommon in Cambridge buildings, and in late 1992 the staff of the rent control board initiated a campaign to identify ordinance-condominiums that were illegally occupied by their owners and to enforce the law. Maddox himself was never challenged, but 9 Ellery Street was known to be one of the buildings to be investigated, and he saw the handwriting on the wall. In March 1993 he attended a meeting of SPOA and shortly thereafter became a member.

At this time SPOA's principal activity, in addition to the regular informational meetings and newsletters, was the prosecution of a lawsuit the organization had filed a year earlier in the Massachusetts Superior Court against the city of Cambridge and its rent control board seeking to invalidate the rent control system on a variety of constitutional and other grounds. Maddox believed that in light of prior court decisions the SPOA lawsuit was hopeless, a view borne out by a Superior Court judge's dismissal of most of the claims in March 1993. SPOA intended to appeal this decision, and Jillson and the other SPOA leaders did not show much interest in Maddox's suggestion that the most promising way to defeat rent control was to seek its repeal by a statewide vote through the initiative procedure in the Massachusetts Constitution. He was, however, encouraged to draft something if he wished, which he promptly set out to do.

The Drafting and Certification of the Initiative Petition

The Initiative, that is, the power of a specified number of voters to submit laws to the people for approval or rejection, has been part of the Massachusetts Constitution since 1918.¹ It has been used by activists on many occasions to enact laws, some of them affecting the powers of cities and towns. A notable example was the adoption in 1980 of so-called Proposition 2½, placing a limitation on the taxes that can be assessed annually on a municipality's real and personal property. The question obviously arises why Jon Maddox was the first person in Cambridge or elsewhere to resort to this device to repeal rent control. Part of the answer may lie in the formidable logistical challenges of gathering the requisite number of signatures to place a measure on the ballot and to campaign for its adoption.

But the principal reason must be the instinctive sense of many lawyers and activists that it would be incongruous, and must therefore be impermissible, to repeal a local rent control system by a statewide vote of the people. Maddox did not have this mindset. He believed that the right of municipalities to maintain rent control systems is a question of state policy that may be addressed at any time, regardless of the number of municipalities that have such a system. In drafting his initiative petition, Maddox had to contend with language in the state constitution dealing with the issue of localized effect, but he was able to persuade both the Massachusetts attorney general and later, on grounds that more accurately reflected his own views, the Massachusetts Supreme Judicial Court, that what he proposed was constitutionally permissible.

Before an initiative petition goes on the ballot, the state legislature is given the op-

portunity to enact the law that the petition proposes, a requirement that affects the procedures specified for initiative petitions in the state constitution. The first step is the submission of the petition, signed by ten qualified voters, to the attorney general not later than the first Wednesday of the August before the legislative session into which it is to be introduced. For a measure to be considered by the legislature in its 1994 session and, if not passed, to go on the ballot at the state election in that year, the deadline for submission was August 4, 1993.

Not every measure can be the subject of an initiative petition; a section of the constitution specifies certain categories, called excluded matters, that cannot be. The purpose of this initial submission is to give the attorney general the opportunity to review the petition to determine that it is in proper form and contains no excluded matters. If the attorney general so concludes, he certifies his conclusion to the secretary of state with the petition, which must be filed with the secretary not earlier than the first Wednesday in September, in this case September 1, 1993. Without the certification of the attorney general, the petition is not accepted for filing by the secretary of state.

By late June of 1993, Jon Maddox had completed a draft of an initiative petition. When he called the office of the attorney general to determine how to go about submitting it, he was referred to Peter Sacks, the assistant attorney general who handles initiative petitions. In accordance with an informal procedure followed in the attorney general's office, Maddox was offered the opportunity to submit a draft of his proposed petition before the August 4 filing deadline in order to obtain an advance indication of any legal problem that might prevent its certification. On June 23, Maddox sent such a draft to Sacks. The law that it proposed was entitled "The Massachusetts Rent Control Prohibition Act" and its operative section provided tersely, "Rent control is hereby prohibited in Massachusetts." Sacks reviewed the draft and advised Maddox that he did not believe it could be certified, directing Maddox's attention to the clause in the excluded matters section of the constitution providing that no measure may be proposed by an initiative petition "the operation of which is restricted to . . . particular districts or localities of the commonwealth."²

To understand the reasoning by which Sacks reached his conclusion, and the means by which Maddox met his objections, we must go back to the principles that govern the legal relationship between the commonwealth of Massachusetts on the one hand and its constituent municipalities — the cities and towns — on the other. For most of the life of the Massachusetts Constitution that relationship was governed by what lawyers know as Dillon's rule, a principle named after the author of a famous treatise on municipal law which, briefly stated, holds that a municipality has no power to make laws except such powers as have been granted to it by the state. A state statute granting such a power is called an enabling act or enabling legislation.

In 1966 the constitution was amended to modify Dillon's rule in part by giving Massachusetts cities and towns the power to make many kinds of laws without enabling legislation — called home rule power — but some categories of law remained subject to Dillon's rule, among them any "private or civil law governing civil relationships except as an incident to an exercise of an independent municipal power."³ One of the early legal questions raised when rent control came to Massachusetts in 1970 was whether this murky exception to the grant of home rule powers to municipalities meant that state enabling legislation was needed to permit municipalities to enact rent control laws. In a case decided in that year involving the validity of a rent control ordinance adopted by the town of Brookline without enabling legislation (*Marshal House, Inc. v.*

Rent Review & Grievance Board of Brookline, 357 Mass. 709), the Massachusetts Supreme Judicial Court ruled that enactment of rent control was not a home rule power and that state enabling legislation was required to authorize it.

Later in 1970 the Massachusetts legislature passed an enabling act setting forth a scheme of rent control that any municipality could adopt. Cambridge, Brookline, and Boston, among other municipalities, promptly adopted this scheme, but the 1970 enabling act, with a limited life, expired in 1976. Any municipality wishing to maintain rent control thereafter would have to obtain its own enabling act. Cambridge, Brookline, and Boston did so, and in 1993 all of them had rent control systems, though those in Brookline and Boston had been much weakened by "vacancy decontrol" provisions exempting a covered unit from the system after the tenant has moved out. The town of Amherst had a system of rent review, and the cities of Lowell, Waltham, and Somerville had enabling legislation authorizing them to enact rent control but had no system in place.

So as things stood when Jon Maddox sent Peter Sacks his first draft of an initiative petition in June 1993, the prohibition of rent control that it contained would have changed the rules for these seven municipalities but not for any others, for in the absence of enabling legislation and under the *Marshal House* case they were already prohibited from having rent control. Sacks believed that the limited effect of the Maddox draft to a mere seven municipalities in Massachusetts was fatal under the exclusion from the initiative process of any measure restricted to particular localities. The Maddox draft recited, as Maddox strongly believed, that "rent control is a matter of statewide concern," but Sacks did not agree that this overcame its local effect.

It is the genius of his accomplishment that Maddox saw in the reason for Sacks's conclusion the means for reversing it. If 344 of the state's 351 cities and towns were without such enabling legislation, Maddox would draft a law that gave it to them. Obtaining a list of the states that had statutes relating to rent control, he began to comb through them seeking a model. He found it in Florida.⁴ That state, unlike most of the others on the list, does not prohibit local rent control entirely, but places severe restrictions on its adoption and content. It must be approved by the voters of a local entity after a public hearing by its governing body followed by a finding that there exists "a housing emergency so grave as to constitute a serious menace to the general public." It must terminate in a year unless extended after a new hearing, finding, and vote. Units in luxury apartment buildings, defined as those with units whose average rent on January 1, 1977, was more than \$250, must be exempt. Maddox would use the Florida model, with some additions and refinements of his own, to propose a limited rent control system available to all Massachusetts municipalities, but prohibiting any other form of rent control.

Maddox submitted three successive drafts to Sacks. The first closely copied the Florida model but added the further requirement of a prior finding by the state legislature of an extreme statewide housing emergency. We do not have his response to this draft, but Sacks perhaps pointed out that this added precondition would prevent the proposed enabling act from conferring any new powers on municipalities until further legislative action, and thus would make no immediate change in the law. The second draft took a new tack, authorizing local rent control, but only if "compliance on the part of property owners is entirely voluntary and uncoerced." Again there is no record of comment by Sacks, but this draft raises the question whether the law it purports to authorize, wholly lacking in coercive effect even for a limited period, is a law at all.

Maddox's final draft, which with a few minor word changes became the law proposed by the initiative petition, was sent to Sacks on July 14. Its title, the Massachusetts Rent Control Prohibition Act, left no doubt of its purpose, but it enabled any city or town to adopt rent control on the conditions that (1) after six months from the date of adoption, compliance by property owners was to be voluntary, (2) any rental unit owned by a landlord who owns fewer than ten units or having a fair market rent of more than \$400 a month was to be exempt, and (3) a municipality imposing such regulation was to compensate owners of controlled units from its general funds for the difference between the controlled rents and the fair market rents of such units. Any other form of rent control in Massachusetts was prohibited.⁵

Sacks was now tentatively persuaded that the operation of the proposed law, since it conferred on all Massachusetts municipalities new powers, however limited, would not be restricted to particular localities of the commonwealth, and he advised Maddox that, subject to considering comments from opponents, he believed it could be certified by the attorney general. Maddox reported this fact to SPOA's leaders and asked them to see to the collection of the ten signatures needed for filing. He expressed the hope that the signatures would come from a wide geographical area so as to lend color to the proposed law's statewide application, but the time was short, so the signatories — there were, fortunately for the proponents as it turned out, twelve of them — who included David and Aline Sullivan and Denise Jillson, were all from Cambridge and all active in SPOA. The initiative petition was filed with the attorney general on August 4, 1993.

It is the policy of the attorney general's office before certifying an initiative petition to solicit comments from organizations likely to be opposed. Accordingly, on August 4 the petition was distributed to the Cambridge Rent Control Board, the Campaign for Affordable Housing and Tenant Protections, a Cambridge-based activist tenant organization, the Boston Rent Equity Board, Greater Boston Legal Services, the Massachusetts Tenants Organization, the Brookline Rent Control Board, and the Massachusetts Law Reform Institute. Written comments on the petition were invited, and four of the organizations responded. All the replies insisted that the proposed law would have only local effect and therefore ran afoul of the particular localities limitation that Peter Sacks had originally thought fatal. Only one of the responses, from longtime Cambridge tenant activists William J. Noble and Michael Turk on behalf of the Campaign for Affordable Housing and Tenant Protections, addressed at any length the significance of the limited rent regulation system that the proposed law authorized for municipalities. It called this system "unworkable and meaningless" and commented that "it is tempting to conclude that these provisions were included . . . only to evade the 'particular districts and localities' exemption." This was, of course, perfectly true, but Sacks was not convinced that it was relevant to his legal analysis. On August 19, after reviewing the comments of the opponents, he advised that "to date we are not persuaded that the proposed law is one the operation of which is limited to particular cities and towns . . . [since] it apparently does confer some legal authority on cities and towns that they do not now enjoy. . . . The asserted unlikelihood that any city or town would actually choose to accept the proposed law does not change the fact that every city or town would gain the power to do so." On September 1, 1993, on Sacks's recommendation, attorney general Scott Harshbarger certified the petition, and on the same date it was filed with the secretary of state.

There was a near crisis at the time of filing. Under the procedures of the secretary of state, each of the ten signatures required on an initiative petition must be accompanied

by a certificate from the local election officials, in this case the Cambridge election commission, establishing that the signer is a registered voter; and the signer must have written his or her name "substantially as registered." When Denise Jillson and Jon Maddox appeared at the office of the elections division of the secretary of state on the seventeenth floor of the McCormack state office building at One Ashburton Place in Boston on the morning of September 1, 1993, with the petition to be filed, they did not have a certificate in support of the signature of one of the twelve signers, so it was not accepted. Another signer, registered to vote under the name Elizabeth A. O'Connell, had signed the petition Ann O'Connell, and her signature was disallowed. The other ten signatures were in order, but it was a tense moment. It was SPOA's introduction to the highly technical requirements that must be met to place a law on the ballot by initiative petition. It was also the first of many close calls in a process, lasting more than a year, that was full of emotion for Jillson, Maddox, and their SPOA colleagues as they moved through one crisis after another before achieving final success early in 1995.

Jon Maddox had every reason to be pleased. He had understood from the beginning the political danger inherent in salvaging his petition by casting it in the form of an enabling act: if it authorized municipalities to adopt a rent control program with teeth, landlords and other opponents of rent control in cities and towns where there was none could be expected to oppose it. Because the attorney general had accepted as constitutionally sufficient an authorization of rent control that was hardly rent control at all, this danger had been avoided. But this circumstance carried with it a countervailing risk. The attorney general's certification was subject to judicial review. Cambridge tenant activists William Noble and Michael Turk had called the petition's rent control system "meaningless." Many lawyers, including those against rent control, would have conceded that this was not a frivolous criticism. If the Massachusetts Supreme Judicial Court could be persuaded of the validity of this characterization, Maddox's success with the attorney general would have been achieved at the cost of ultimate failure. When the certification was challenged, however, the court sustained the attorney general's action without addressing this issue at all.

The Signature Drive

The next phase in the effort to place a law on the ballot by initiative petition is gathering the requisite number of signatures of registered voters for filing with the secretary of state. That number is specified in the Massachusetts Constitution as "three per cent of the entire vote cast for governor at the preceding biennial state election."⁶ For measures to appear on the ballot in the 1994 state election the number was 70,286. A further constitutional requirement provides that not more than one-fourth of these signatures can come from any one county. This provision imposed a limit of 17,571 on the number of signatures from a single county that could be counted toward the required total. The signatures must be filed with the secretary of state not later than the first Wednesday in December — in 1993 it was December 1.

The period between the first Wednesday in September, when the petition is filed with the secretary of state, and the first Wednesday in December, when the supporting signatures must be filed, is thirteen weeks. But the proponents do not really have all that time to collect signatures. The initiative petitions on which the signatures are collected must first be printed in a form approved by the secretary of state. It was September 10, 1993, more than a week after the September 1 filing date, when the printed

petitions were ready. Before the signatures are filed with the secretary of state, they must be certified by local election officials as conforming to the voter registration records in the cities and towns in which the signers are registered to vote. The law provides that for this purpose signatures must be submitted to these officials not less than fourteen days (ten days in the case of Boston) before the last day for filing with the secretary of state. When the delay for printing petitions and the deadline for submitting signatures to local officials are taken into account, the proponents of the rent control petition had little more than nine weeks in which to collect the necessary signatures.

SPOA was woefully unprepared to meet this challenge. It had raised no money for the purpose; it had no office space and no volunteers beyond the dozen or so activists who had regularly conducted SPOA's ongoing program. But over the 1993 Labor Day weekend it got started. A mailing to the SPOA membership announced the certification of the petition and the beginning of the signature drive and solicited money and volunteers. A political committee, the Massachusetts Homeowners Coalition, referred to throughout the campaign as MHC, was formed and registered with the state office of campaign and political finance to receive contributions, make expenditures, and conduct the campaign. Denise Jillson resigned as cochair of SPOA to become its chairman, and Salim Kabawat, a former SPOA chair and signer of the petition, became its treasurer.

It is evidence of the strong libertarian strain in the campaign, deriving from the United We Stand America 1992 presidential candidacy of Ross Perot, that names like the American Dream and Let Freedom Ring were considered for the political committee during a long evening meeting in Jillson's kitchen before the more descriptive and politically effective if less exotic Massachusetts Housing Coalition was agreed upon. This decision was made on the advice of Dennis Dyer, a consultant based in Beverly, Massachusetts, who had volunteered to help organize the signature effort in the hope, later realized, that his firm, Northeast Legislative Strategies, would be retained to direct the campaign for votes if the petition got on the ballot.

By mid-September the MHC had rented office space on the second floor of a storefront at 2000 Massachusetts Avenue in North Cambridge, set up its first conference table — two wooden doors laid on sawhorses — and with its first volunteers mailed to every SPOA member a form of petition with instructions for obtaining signatures. By the end of September this naive beginning and MHC's other preliminary efforts had produced only a few hundred signatures. A mailing of petitions to all the members of the Massachusetts Rental Housing Association, a statewide organization of landlords with which SPOA had long-standing contacts, and the activities of a mushrooming corps of volunteers throughout the state had by the second week of October brought this total to only about 4,000. This was plainly insufficient progress, and Jillson knew that the effort needed professional help. She sought it from National Voter Outreach (NVO), an organization based in Carson City, Nevada, whose marketing flier had arrived unsolicited. She persuaded NVO to send, at its own expense, two representatives to Cambridge on October 11; a week later it became the professional adviser to the signature drive.

MHC raised some \$70,000 in cash from its inception through the end of 1993, but at this early stage it could not afford to retain NVO. For this purpose it had to look to the organized real estate industry in Massachusetts. Jillson had earlier made contact with Robert L. Nash, executive vice president of the Massachusetts Association of Realtors, the real estate industry's statewide organization, and Edward Shanahan, Nash's

counterpart at the Rental Housing Association, an arm of the Greater Boston Real Estate Board. Both men had expressed sympathy with the MHC effort, but neither offered help.

The fact is that the Massachusetts real estate industry, while solidly opposed to rent control, was skeptical that MHC's effort could succeed and fearful of the possible consequences if it failed. The effects of rent control had been largely neutralized in Boston and Brookline by vacancy decontrol, and the industry was resigned to accepting its continuation in Cambridge and trying to live with it. A failed campaign, the industry feared, might raise sleeping dogs and create a threat of rent control in municipalities where no such threat existed. Therefore the industry was not eager to be visibly associated with MHC's efforts. On the other hand, the industry felt an obligation to show some support. Dennis Dyer, who was involved in other potential ballot questions in collaboration with NVO, took advantage of this sentiment and arranged for NVO to contract with the Greater Boston Real Estate Board and its Rental Housing Association, each of which paid \$25,000 to NVO for providing volunteer training and other services to MHC.

The principal contribution to the training of volunteers was simple but effective. MHC had recruited hundreds of volunteers and sent them out to collect signatures, but many of them had not learned to avoid the entirely natural temptation of falling into lengthy explanation, and sometimes debate, of rent control with potential signers — "educating the public," Jillson calls it. NOV taught that to obtain signatures in the required numbers this temptation must be avoided. Many voters are willing to sign an initiative petition simply to put an issue on the ballot for the voters to decide. Solicitors must take advantage of this willingness and spend no more than a minute or two with each prospect.

Volunteers were also trained in the importance of confining the signers of any one petition to voters in a single municipality to facilitate the local certification of signatures that is necessary before they can be filed with the secretary of state. A skillful volunteer working, say, at a town fair or a supermarket whose location attracts shoppers largely from only three or four municipalities might collect many signatures on each petition without mixing voters from more than one city or town. A less skillful collector or one working at a regional shopping mall might avoid mixing only by using a separate petition for each signature. The 25,000 petitions originally provided by the state were soon exhausted. MHC, at its own expense, reprinted petitions several times.

In addition to training volunteers, National Voter Outreach brought to the drive the established technique of paying people to collect signatures. Recruited through newspaper ads, which invited interested persons to appear at campaign headquarters at specified times, they were given petitions and clipboards and dispatched — often driven — to a shopping mall or other promising venue. Collectors received fifty cents per signature — a dollar in the drive's final stages — and NVO received a commission for each signature collected. MHC supplemented these efforts by recruiting, through employment agencies, additional paid collectors to work on weekends. Unlike NVO's fee for training volunteers, which was underwritten by the real estate industry, all the costs of the paid collectors, including NVO's commissions, were paid by MHC. Jillson estimates that as many as a third of the signatures collected in the drive were obtained by paid collectors.

The results of NVO's training and techniques became apparent only gradually, and in late October the prospects for success remained dim. Jillson remembers driving back

to Cambridge alone on a dismal October night — after an appearance on a radio talk show in a town near the Rhode Island border — overwhelmed by the sense that there was no way to reach the goal. “I could have cried a river,” she says. But like a good commander, she did not betray her pessimism to her troops. And gradually, with growing momentum, then dramatically as the filing date approached, things improved.

We must imagine a campaign headquarters frantic with activity every day from nine in the morning until after eleven at night, supervised at all times by one or more of Jillson’s key staff. After she came home from her full-time job and fed her family, she was there every evening until eleven as well as all day long every weekend. The staff was supported by a cadre of volunteers working from lists of sites and events — fairs and the like — where voters congregate in large numbers, dispatching volunteers, paid and unpaid, to these places with petitions, clipboards, and instructions, later receiving them back. The signatures had to be counted and the petitions segregated, first by municipality to facilitate submission for local certification, then by county to monitor compliance with the county distribution rule.

Denise Jillson was the unquestioned leader of and inspiration for this effort. At the beginning of the second week in November, with little more than a week remaining before signatures had to be dispatched to cities and towns for local certification, she took some accrued vacation days to devote full time to the effort. She also moved the headquarters across Massachusetts Avenue to the offices of Thayer & Associates on the fifth floor of the building at number 2067. She did this because she had become uneasy about the activities of National Voter Outreach, which was paying collectors to obtain signatures for other campaigns as well as MHC’s under circumstances that made it difficult to tell whose campaign funds were being used to pay for what signatures; and because she knew and trusted Douglas Thayer. Thayer is a co-owner with his father of Thayer & Associates, a real estate firm that manages in and around Boston some thirty properties containing approximately 2,000 rental units. One of the properties — a brick building located at 3-5-7 Arlington Street at the corner of Massachusetts Avenue in Cambridge — is owned by the Thayer family. It was, of course, subject to rent control, and Thayer had a long history as an active industry opponent of the Cambridge system. He had learned of the SPOA initiative petition when Jillson announced it in early August on David Brudnoy’s radio show, and that very night had called Jillson offering to help. She turned to him for the initial financial contribution to start the signature effort and for advice along the way. From the day in November when the Massachusetts Housing Coalition headquarters was moved into his offices, he became a day-to-day participant in MHC’s efforts, second in importance only to Jillson.

Many citizens do not know how, or even if, they are registered to vote, and therefore do not sign petitions “substantially as registered.” Others believe they are registered but have failed to change their registration after moving from one municipality, or one district within a municipality, to another. For any of these reasons, local registrars may fail to certify a signature. All organizations experienced in initiative campaigns know that signatures are lost during the certification process, and they compensate by gathering many more than are needed. A minimum rule of thumb is 20 percent more. With 70,286 certified signatures required, not more than 17,571 of which could come from a single county, Jillson knew she needed at least 85,000 signatures; she wanted 90,000 to 95,000 to be safe. By Sunday, November 14, only three days before the deadline for transmitting signatures for certification, the campaign had collected about

80,000. Jillson remembers spending that afternoon with Thayer and a few others in Thayer's office — quiet, because all the volunteers were out collecting signatures — worrying about where they were, regretting the time lost before signing on NVO and various other “what ifs,” experiencing acute uncertainty and apprehension as the roller coaster ride of the past weeks approached its end, waiting nervously for the results of the day's efforts to come in from the volunteers. She remembers, too, the excitement of that Sunday evening as volunteer after volunteer brought in petitions bearing signatures that, as the counting ended near midnight, totaled more than 8,000. Jillson knew that the campaign was back in business.

Monday and Tuesday of the following week were spent in organizing and packaging the petitions for transmission to cities and towns throughout Massachusetts. Those which were to go to distant municipalities where few signatures had been collected were sent by mail, with a return stamped self-addressed envelope. Those for the larger municipalities were organized into routes, to be delivered on Wednesday in trucks and automobiles driven by volunteers. These routes had to be retraced days later to pick up the certified petitions and bring them back to Cambridge. Meanwhile, signature collection continued in Boston, where delivery for local certification was not required until the following Monday, November 22. At the end of that week the municipalities from which certified petitions had not been returned were identified and the retrieval process was completed. By Wednesday, December 1, the deadline for filing the certified signatures with the secretary of state, all the petitions had been assembled and arranged by municipality and county, and that afternoon a caravan of volunteers, led by Jillson, took them to Boston and filed them. The afternoon ended at the Golden Dome, a bar near the State House, where Jillson and her troops toasted the results of their efforts and celebrated the camaraderie that had developed among them.

Jillson knew that it would be close, but she thought they had enough signatures. The office of the secretary of state has, of course, no basis for questioning the validity of any certified signature, but it does review the certification method. Its rules then required that three or more registrars from each city or town sign the certification; signatures certified by fewer than three were not accepted. Registrars are required to indicate the number of names certified on each petition. The secretary of state's office does not review this arithmetic in detail, but if it is apparent on cursory examination that the total recorded on a single petition plainly exceeds the number of signatures on the petition, the total is revised accordingly.

Of the signatures filed, 73,769 were acknowledged as received, comfortably in excess of the 70,286 needed. But the numbers of signatures received from Suffolk and Middlesex counties exceeded the maximum of 17,571 allowable under the county distribution rule by 2,300 and 1,543, respectively, a total of 3,843. This reduced the number of allowable signatures from the 73,769 acknowledged as received to 69,926 allowed. MHC had fallen 360 signatures short of the required number. On December 7, 1993, Denise Jillson was formally notified of this fact by John P. Cloonan, the director of elections in the office of the secretary of state.

Soon after the shortfall became known, Jillson received a telephone call from Barbara Anderson, whose organization, Citizens for Limited Taxation, has been through several initiative petition campaigns. Anderson knew that mistakes by local registrars are common when signatures for many initiative petitions — there were more than twenty in 1993 — are presented for certification in a short period, and she thought

MHC was close enough to justify legal action to validate additional signatures. She advised Jillson to consult William A. McDermott, Jr., a Boston lawyer who has made a specialty of election laws and procedures.

A meeting was promptly arranged with McDermott, who confirmed Anderson's view that litigation had a good chance of success. On December 15, 1993, he filed in the Massachusetts Superior Court in Boston, on behalf of Jillson and the nine other original signers of MHC's initiative petition, a complaint against the Massachusetts secretary of state alleging that enough signatures had been wrongly denied certification to overcome the shortfall. Two days later, a group of eleven rent control supporters from Cambridge, Boston, and Brookline filed suit in the same court to intervene on behalf of the secretary of state in opposition to the Jillson plaintiffs. The two suits were consolidated, and the legal battle was joined.

In litigation to establish the validity of disallowed signatures, the plaintiffs have an important procedural advantage. In a case decided in 1976 relating to the attempt of Eugene McCarthy to appear on the Massachusetts ballot that year as a candidate for president of the United States (*McCarthy v. Secretary of the Commonwealth*, 371 Mass. 667), the Massachusetts Supreme Judicial Court ruled that if signatures in excess of the required number have been filed with municipalities for certification, the Massachusetts secretary of state has the burden, when the proponents claim that a noncertified signature should have been certified, of establishing that certification was rightly denied, even though the secretary played no role in the original certification decision. To capitalize on this advantage, the Jillson plaintiffs had to identify uncertified signatures for which the secretary could not accomplish this burden in sufficient numbers to overcome the shortfall. In the meantime, their opponents were free to try to increase the shortfall by persuading the court to disallow signatures on the ground that they had been improperly certified.

To accomplish this task, MHC again drew upon the resources of its volunteers. A copying machine was brought to the office of the secretary of state, and all the petitions originally filed locally for certification outside Suffolk and Middlesex counties were copied, front and back, and segregated by cities and towns. Petitions from municipalities having substantial numbers of uncertified signatures were assigned to volunteers, whose job it became to obtain lists of registered voters and painstakingly compare them with disallowed signatures to establish a basis for asserting that the disallowance was not justified. Telephone books and city directories were also consulted, and where a signature was illegible, or an address did not correspond to the voting list, signers were called by telephone to establish that they had signed properly. Affidavits to that effect were prepared, and volunteers were dispatched to arrange to have them signed. The results of these efforts were brought to McDermott's office for evaluation and, if appropriate, for filing in court.

Trial of the case before Judge Martha B. Sosman did not begin until February 28, 1994, but meanwhile the Jillson plaintiffs won an important procedural victory. The law provides that when the required number of signatures on an initiative petition have been filed with the secretary of state on the first Wednesday in December, the petition is to be sent to the legislature at the beginning of its term the following January so that the legislature may begin its deliberation on the law proposed by the petition. Jillson had been advised on December 7, 1993, that the secretary, having determined that insufficient signatures had been filed, would not send the petition to the legislature. In early January the Jillson plaintiffs asked Judge Sosman to order the secretary to do so, and on

January 7 she issued such an order, ruling that it would not prejudice the opposition and that the Jillson plaintiffs had already established a likelihood of success in the litigation. The petition was thus before the legislature for consideration in the normal course.

The eight-week trial that began on February 28, during which Judge Sosman ruled on hundreds of signatures that the Jillson plaintiffs claimed should have been certified and hundreds more that their opponents claimed should not have been, was contentious. Both sides hired handwriting experts. In perhaps the most dramatic episode, the Jillson plaintiffs offered into evidence an affidavit of their expert stating that in his opinion several signatures in Quincy, which had been correctly identified by the opponents as forgeries, had been forged by one of the eleven persons appearing in opposition. The trial ended on April 22, 1994, when Judge Sosman, having found that the Jillson plaintiffs had established signatures exceeding the required number by 34 and that the opponents had no further signatures to challenge, entered judgment in favor of the Jillson plaintiffs. The opponents filed an appeal, but it had not been heard when, in January 1995, legislation was enacted that made the case academic. The Massachusetts Housing Coalition had, again by the slimmest of margins, overcome another obstacle.

The Massachusetts Constitution provides that if the legislature does not enact the proposed law before the first Wednesday in May (in 1994 this was May 4, and the legislature did not do so), the proponents may complete action on the petition by filing with the secretary of state not later than the first Wednesday of July — July 6 in 1994 — additional signatures of qualified voters “equal in number to not less than one half of one per cent of the entire vote cast for governor at the preceding biennial state election.” In 1994 this number was 11,714. The signatures were quickly collected by the experienced MHC volunteers and filed on July 1. On that day Jillson was notified that the signature requirement had been satisfied.

The Appeal from the Attorney General’s Certification

Ordinarily, filing the second round of signatures completes the requirements for getting an initiative question on the ballot. But nothing was ordinary in the Massachusetts Housing Coalition’s experience, and there remained an additional hurdle for the organization. This was the defense of an appeal, filed in the Supreme Judicial Court on March 8, 1994, by the city of Cambridge and six of its registered voters, challenging the legality of the attorney general’s certification of MHC’s petition. Jillson and the other nine original signers of the petition joined the case as intervenors.

Incensed that the city should be supporting the litigation with taxpayer money, MHC sent a delegation to meet with city manager Robert W. Healy and tell him so. The legal issue had been settled by the attorney general, they argued, and it was unfair for the city to force MHC, already bearing the legal expense of the signature litigation and facing the cost of a statewide ballot campaign in the fall, to incur further legal expense to defend a point it regarded as settled. Healy replied that he thought the city had the duty to test the legality of a certification decision that might overturn the rent control system which had been at the heart of the city’s housing policy for more than twenty years.

Since the facts in the case were not in dispute, it was submitted to the court on an agreed statement of facts, briefs, and an oral argument. Peter Sacks, in his brief for the attorney general, essentially repeated the argument that he had accepted in recommending certification of the petition: that by enabling all cities and towns in Massachusetts to adopt a system of rent control not previously authorized, however limited in

scope, the operation of the petition was not restricted to particular localities and thus did not contain an excluded matter despite its special impact on Cambridge and the other municipalities with rent control systems. The Boston law firm Hill & Barlow, representing the city, countered by arguing that the effect of the petition was essentially local and that the form of rent control authorized for all Massachusetts municipalities was "illusory."

Lead counsel for the Jillson intervenors was the Boston firm of Sherburne, Powers & Needham, which, through its partner Philip S. Lapatin, regularly represents the Greater Boston Real Estate Board. Working with this firm as a volunteer was Charles Fried, a former solicitor general of the United States and a professor at the Harvard Law School, now a justice of the Massachusetts Supreme Judicial Court, who was a strong opponent of rent control. The brief filed by this team of lawyers emphasized a line of reasoning entirely different from that adopted by Peter Sacks. Rent control, it was argued, is a matter of statewide, not local concern. This is the teaching of the 1970 *Marshall House* case referred to above, which ruled that the permission of the state through enabling legislation was required before a municipality could adopt rent control. The brief quoted from the court's opinion in that case.

It cannot be said that rent control has only local consequences. Whether an emergency exists in one community may be affected by conditions in neighboring areas. Regulation of rents in one community may have impact elsewhere on land use, new housing construction, the mortgage market, conveyancing practices, the adequacy and use of recording systems, and other similar matters.

It must follow, the brief argued, that if rent control has such nonlocal consequences as to require enabling legislation to adopt it, it cannot be excluded from the initiative process on the ground that it has only local effect. Sherburne, Powers, and Charles Fried wrote,

It is a strange kind of racket that would require consent of the people of the Commonwealth as a whole before a locality may impose rent control, but then that would foreclose, in the name of local autonomy, that same general authority from thinking better of it and withdrawing the consent wherever it had previously been granted.

This line of reasoning may prove no more than that the legislature could have banned rent control throughout the state, since it does not address the further question whether, in light of the particular localities limitation for initiative petitions, the same action can be taken through the initiative process. But it certainly offered the court an alternative basis for sustaining the attorney general's certification without having to address the troublesome issue of whether the limited form of rent control offered to municipalities by the petition was "illusory."

The case, argued before the court on May 5, 1994, was decided the following July 14. The court upheld the attorney general's certification, adopting the reasoning put forth by Sherburne, Powers, and Charles Fried rather than that of Peter Sacks (*Ash v. Attorney General*, 418 Mass. 344). The opinion of Chief Justice Paul J. Liacos for the court concludes as follows:

The rent control ban contained in the act, by its terms, applies to every municipality in the Commonwealth. Although it may appear to be a purely local issue, it is not. . . .

The Massachusetts Constitution (home rule amendment) has reserved the power to regulate the landlord-tenant relationship to the Legislature to the exclusion of municipal governments . . . It is within the power of a municipality to enact a rent control program only when the Legislature has explicitly delegated that power to the municipality. Thus, rent control is an issue of Statewide concern (p. 348).

It follows from this reasoning that an initiative petition which did no more than ban rent control in Massachusetts outright, as Jon Maddox's original draft had done, would have been constitutional. The opinion is thus a glorious vindication of Maddox's original analysis.

The Fall Election Campaign

Following its success in the litigation to meet the requirements for the first round of signatures, but before the second round of signatures had been collected and while the appeal from the attorney general's certification of the initiative petition was still pending, the Massachusetts Housing Coalition had begun preparation for the fall campaign for what was now to be called Question 9. When political consultant Dennis Dyer had volunteered to advise MHC during its initial signature drive, it had been in the expectation that if the question reached the ballot, his firm, Northeast Legislative Strategies, would be retained to manage the election campaign. In June 1994, MHC entered into a contract with the firm for this purpose. In August, campaign headquarters were established in Wakefield.

Dyer is an experienced political adviser who knows his business. Even before the results of polling and focus groups were available, he knew that a successful campaign would have to convey a positive message to voters; the resentment that the MHC volunteers felt from their own treatment under rent control was not transferable to an electorate that had not endured the same experiences. It is a commonplace among political professionals that voters on initiative questions, when in doubt, tend to vote no — to do nothing — rather than take a chance on a yes vote. MHC's campaign had to give the voters something on which they could vote yes. Dyer's skill was evident early, when he persuaded his future clients to adopt a name containing a warm and positive term like "homeowners" rather than a libertarian slogan after the fashion of Ross Perot. A considerable part of Dyer's job was to keep the campaign focused positively when the instincts of the volunteers were otherwise.

A telephone poll completed for the campaign in the spring of 1994 produced the important finding that women were more likely to support rent control than men. The latter could be moved by arguments about protecting property rights and about the bad economics of rent control; women were more concerned about fairness and helping people. This insight produced the central message that Dyer conceived for the campaign: that rent control is a well-intentioned but failed policy that unfairly benefits affluent tenants at the expense of property owners of modest means struggling to pay their mortgages. A yes vote would correct this injustice. The libertarian call to get government out of people's homes would be sounded, but it would be secondary.

This message is clearly reflected in the literature developed for the campaign. The principal handout told the stories of four small-property owners who had suffered under rent control. Barbara Pilgrim, an older black woman who supports herself and her invalid husband, was not permitted to collect rents that cover her mortgage and other costs

“even though,” the handout says, “one of her tenants can afford to winter in Florida and summer on the Cape.” Another black woman, Val Jean Cox, was told that she forfeited the exemption from rent control for her owner-occupied, three-family house when she had to move out temporarily to stay with her gravely ill mother in another city. Vinny Bologna and his young family were not permitted to live in a house he had renovated, but instead “they are crowded into [a] one-bedroom apartment and forced to rent out the house.” Helen and Peter Petrillo were told that they had lost their exemption as a three-family, owner-occupied building when they allowed their daughter and her family to move in after their daughter’s house burned down. The photographs of these property owners that accompanied their stories gave, as Denise Jillson said, “a face and heart to the campaign.” This handout material was included, with more detail on the effects of rent control, in the press kits that went to media editorial boards all over the state.

The libertarian emphasis was used mainly in visual material, where the more extensive message of fairness was not feasible. Thus there were bumper stickers showing a house in black and white with a red legend over it saying “Get Gov’t Out.” The campaign was able to make particularly effective use of yard signs in the same format, which were placed in large numbers throughout the state with the help of the industry’s extensive network of realtors and small-property owners.

The campaign could not afford statewide mailings, but representatives attended regular meetings of small-property owners throughout the state, and material was handed out as widely as the corps of volunteers would permit at shopping malls and other venues where large crowds gather. Meetings were held — usually with the persuasive Jillson present — with the editorial boards and key reporters of newspapers throughout the state. In the end, of all the state’s newspapers, only *The Boston Globe* and *The Patriot Ledger* opposed Question 9.

Only limited use could be made of the electronic media for lack of funds, but Dyer made the most of what he had. Media advertisements were carefully targeted to programs known to be watched by women. Dyer knew that money spent on talk show hosts like Jerry Williams, who were addressing an audience already likely to support Question 9, was largely wasted. He is critical of a Boston-based group supporting Question 9 for having spent a large amount of money for this purpose that could in his view have been used to better effect.

Dyer believes that when the theme of a campaign has been established, it should be repeated over and over again without deviation. Changing the message causes confusion among voters and invites the no vote that they tend to cast when they are unsure. The schedule of campaign activities was set up in advance on a day-by-day basis, and Dyer insisted that it be adhered to, subject only to modifications required by financial constraints. Jillson was entirely convinced that Dyer’s strategy and methods were right, but many of her MHC colleagues were not. Some thought the campaign literature was too weak in failing to attack prominent and well-compensated people who live in rent-controlled apartments, like Cambridge mayor Kenneth Reeves. Others bridled at the discipline Dyer imposed and thought him a petty dictator. During the campaign, the regular Sunday evening informational meetings of volunteers became what Thayer calls therapy sessions, as he and Jillson worked to keep the campaign in line with Dyer’s strategy.

They were rewarded by a narrow victory on November 8, when Question 9 carried the state by 1,034,594 votes to 980,723, or 51 percent to 49 percent. The question

was defeated in Cambridge, by 58 percent to 42 percent, and in Boston, but only by about 4,800 votes. It won in the other large counties in the eastern part of the state, especially Middlesex, where Boston's suburban voters delivered a plurality of almost 50,000. It fared worst in the western counties, whose distance from Boston caused the campaign message to be diluted.

On election night a potluck supper was arranged at the VFW Post on Huron Avenue, where volunteers could follow the returns on television. By midnight victory seemed assured, and most went home to bed. But some stayed on until all the returns were in, then celebrated by forming a small caravan to drive by the houses of Cambridge Civic Association city councillors and blow their car horns.

MHC's Resources

The success of Question 9 at the polls is not the end of the story, but before it continues, a brief look at the resources that made it possible for MHC to achieve its victory is in order. First, money. MHC raised and spent something over a million dollars, of which about 60 percent was spent on the Question 9 campaign in the summer and fall of 1994. The balance went largely to the expenses of the first signature campaign in the fall of 1993 (primarily the fees and expenses of National Voter Outreach) and the litigation that followed it (primarily the fees of counsel and handwriting experts). While about 75 percent of the contributions amounted to \$300 or less, implying wide grassroots support, the financial reports filed suggest that the real estate industry probably accounted for more than 75 percent of the dollars.

Real estate money was less important during the first signature drive. The Greater Boston Real Estate Board and its Rental Housing Association each contributed \$25,000 to this effort, and the Massachusetts Association of Realtors underwrote expenses of about \$10,000. But some \$70,000 came from other sources, much of it in small contributions and loans from SPOA members and supporters. After this drive, however, even before the successful conclusion of the litigation establishing additional signatures, the real estate industry supplied most of the money. The financial records show that approximately \$500,000 came from some fifty trade organizations and property owners and managers in contributions of \$4,000 or more. At least half again that amount must have come from similar sources in smaller contributions.

There is no question that such financial support was essential to the success of Question 9 (the Cambridge-based opponents of Question 9 appear to have raised and spent less than \$200,000), but it would be a serious mistake to believe that money alone produced the result. The indispensable ingredient was the corps of volunteers and their leaders. By the end of the campaign the network of volunteers was statewide — some recruited in parts of the state far from Cambridge by the leadership of the Massachusetts Rental Housing Association. But from the beginning and throughout, the core was in Cambridge. It is obviously not possible in a narrative of this kind to identify all the key volunteers and their activities. But some generalizations are possible.

With limited exceptions, these people did not belong to the ranks of the academics and professionals who, drawn by Harvard, MIT, and the other educational institutions of greater Boston, came to Cambridge from elsewhere and constitute the backbone of the CCA constituency. Most of them never supported CCA candidates. In the great divide that has characterized Cambridge politics since long before rent control came to the city, these people are the so-called independents.

Many of these volunteers had had unhappy personal experiences with rent control. But what angered and galvanized all of them was what they universally perceived as condescending indifference to their concerns by CCA city councillors and by the city's rent control apparatus and advocates for tenants, many of them students working in university-funded clinical programs. The resentment these people felt led to astonishing volunteer efforts. By the end of the campaign, they had become a disciplined army, fiercely loyal to their cause and bound together by the emotions of a shared experience in a camaraderie that is palpable to the observer.

Denise Jillson was the army's leader. Douglas Thayer, whom she identifies as a co-leader, contributed much to the Question 9 effort through his dedication, good judgment, and experience and contacts in the real estate industry, but he is the first to acknowledge Jillson's primary role. Jillson is a person of strong resolve and focus in her causes, which she pursues with calm persistence. Amy Miller, the very capable reporter for the *Cambridge Chronicle*, has written of her that she has "that kind of gentle voice that builds bridges."⁸ She seems wholly without vanity. When a group of her colleagues gave her birthday presents in the winter of 1994, she wrote them a note in which she said, "I should be thanking you for entrusting me with a wonderful and important project. . . . Remember, when we win, it belongs to everybody." She was careful to communicate with her troops. The regular Sunday evening meetings that took place throughout the campaign were well attended. Only at the end, when events were unfolding very fast on Beacon Hill and timely communication was not feasible, was there some erosion of confidence. Jillson's performance was extraordinary. The success of Question 9 could not have been achieved without her.

The Constitutional Challenge to the Ballot Procedure

The approval of Question 9 by the voters was not the end of the 1994 activity relating to rent control. Before the 1994 legislative session ended, the legislature passed and the governor signed a measure that protected disadvantaged tenants for a limited time after January 1, 1995. But before examining this development, a look at a legal challenge to the constitutionality of the ballot procedure itself is in order, since the pendency of this challenge affected what was happening on Beacon Hill.

The Massachusetts Constitution as it relates to initiative petitions provides that "[a] fair, concise summary . . . of . . . each law submitted to the people, shall be printed on the ballot." A form of ballot is included which says, "Do you approve of a law summarized below?" followed by boxes for a yes or no vote; and below that are the words "(Set forth summary here)."⁹ When this language came into the constitution, Massachusetts voters marked printed paper ballots. In more recent years, however, voting machines have become the norm, especially in larger municipalities. They are of two basic kinds: machines on which the voter expresses a choice by pushing a lever; and electronic voting systems, by which choices are expressed by marks read by optical scanning devices, or on punch cards, either directly or through marking units that cannot be removed from the voting booth.

To meet the constitutional requirement of a fair summary printed on the ballot for questions offered by initiative petition, the secretary of state was authorized, when it was not feasible to include a summary on a voting machine, to prepare separate ballots for initiative questions on which the summary could appear. But this eliminated the

advantages of faster tabulation made possible by voting machines, so in 1994 the legislature amended the law to read as follows:

When the state secretary shall determine that it is not feasible for the summary of any question or questions submitted to the people to appear on the voting machine, he shall prepare separate sheets of paper containing such summary and provide such sheets for each polling place . . . and one such sheet shall be furnished to each voter as he prepares to cast his vote by the use of such a machine.¹⁰

The obvious question is whether this procedure conforms to the requirements of the constitution.

On November 29, 1994, a group of registered voters filed suit in the Massachusetts Superior Court alleging that the procedure does not so conform. The court was asked to declare the vote on all the ballot questions null and void and, pending final decision, to restrain the secretary of state from certifying the results of certain of the ballot questions, including Question 9. Judge Hiller B. Zobel entered such a restraining order, accompanied by a brief opinion expressing his belief that the plaintiffs had a strong case. An appeal was immediately taken by the secretary of state to the Massachusetts Appeals Court, which left the restraining order in effect as to Question 9. The case then proceeded to the Supreme Judicial Court. There Justice Herbert P. Wilkins also continued the restraining order in effect. The case was argued before that court on December 22, and on December 27 the court announced, without opinion, its decision in favor of the secretary of state. The court's written opinion by Justice Wilkins explaining its reasons followed on March 9, 1995 (*Tobias v. Secretary of the Commonwealth*, 419 Mass. 665). In it the court declined to be bound to a literal reading of the constitution, finding instead that the procedure prescribed "fulfils the basic purpose of having each voter capable of informing him or herself concerning the questions on which that voter may vote" (p. 676).

The outcome was not a surprise, but no one could be certain of it during the weeks that transitional legislation was pending on Beacon Hill. Judge Zobel's opinion had looked strongly in the other direction, and as will be clear to any reader of the opinion of the Supreme Judicial Court, the court had to repudiate earlier decisions of its own that interpreted the ballot provisions of the constitution very narrowly. This uncertainty influenced legislative strategy on both sides.

If the law proposed by Question 9 were lost by an adverse court decision in the ballot case, there would be no law to override the Cambridge rent control statute unless the legislature passed one. The supporters of Question 9 knew that if they could get transitional rent control legislation acceptable to them, Cambridge's existing rent control system would be at an end whatever happened in the ballot case. This was an important part of their motivation in seeking such legislation.

The Passage of Transitional Legislation

During the summer and fall of 1994, as the November 8 vote on Question 9 approached, a consensus was developing among responsible owners and managers of rental properties that some transitional arrangements would be needed to protect vulnerable tenants if Question 9 passed. As early as July, the Alliance for Change, the city's new political organization offering an alternative to the Cambridge Civic Association

and reflecting the views of the city's real estate interests, had proposed the establishment of a city-funded rent subsidy program to "provide housing subsidies for lower-income and elderly rent control tenants adversely affected by any change to our current rent control system." This was to be accompanied by a "pledge" by landlords to disadvantaged tenants that rent increases would not exceed inflation while such a program was being put into effect. A rent subsidy program and the accompanying pledge never materialized, but the fears of responsible representatives of the real estate industry — that an irresponsible minority would promptly evict low-income and elderly tenants, attracting widespread media attention with unpredictable political consequences — persisted, and other means of preventing this were considered.

Jillson and Thayer were aware of and sympathetic to this thinking, but as the proponents of a ballot question that would for all practical purposes have terminated rent control in Cambridge entirely, they were careful to distance the Massachusetts Housing Coalition from any proposals resulting from it. Meanwhile it was necessary to prepare for the legislative activity they knew lay ahead. MHC, which had been created to raise and expend funds for the initiative petition, could not legally do the same for this legislative activity. MHC's continued existence could be for no purpose other than to retire its debt. A new organization called Massachusetts Homeowners Coalition II (MHC II), was formed to raise and expend funds for the upcoming legislative effort. It ultimately raised about \$80,000, which it spent primarily on the fees of consultants and lobbyists. Dennis Dyer's firm was kept on to supervise legislative strategy. The Boston lobbying firm of Coyne, Kennedy & Kerr — William Coyne was the key player — was retained. William McDermott, MHC's counsel in the signature litigation, acted as counsel for MHC II. Jillson and Thayer were ready with their team of advisers when the legislative phase began.

On November 20, after more than a week of turmoil at City Hall, the Cambridge City Council passed a home rule petition asking the legislature to extend, with certain exceptions, the protection of rent control for five years in units occupied by elderly tenants and families with children whose income did not exceed 90 percent of the median for the Boston metropolitan area. MHC II did not like this proposal for several reasons. The maximum tenant income requirement for continued protection was, they thought, too high. The five-year period was too long. And the petition had been carefully drafted to permit the city council to reimpose the existing rent control system if Question 9 were nullified in the pending ballot litigation or for any other reason. MHC's first transitional priority was to kill the Cambridge proposal. This was accomplished when the proposal passed in the state Senate by only two votes and was vetoed by the governor.

It was then time for the real estate interests to put forward their own proposal, and on December 16, 1994, Robert L. Nash, the executive vice president of the Massachusetts Association of Realtors, sent Governor Weld draft legislation that would have extended rent control protection to tenants with incomes of not more than 60 percent of the median for the Boston metropolitan area through 1995 for condominiums and units in buildings with three units or less and through 1996 for all other units, subject to vacancy decontrol in the meantime. The Nash proposal was never introduced as such into the legislature, but it set forth the basic position of MHC II and the real estate industry in the negotiations with tenant advocates that followed.

The position of tenant advocates was expressed in a bill introduced in the House by representative John E. McDonough and passed by it on December 27, the day the Supreme Judicial Court announced its decision upholding the constitutionality of the

ballot procedure. This measure, which participants in the negotiations referred to as the McDonough bill, differed from the Nash proposal in two important respects: it extended rent control protection to certain categories of tenants in all units for two years and, far more significantly, it extended protection not only to low-income tenants but to all tenants sixty-two and over and disabled tenants regardless of income. These differences became the battleground in the negotiations that followed.

Before the differences were resolved, there were other developments that together created the complex and dramatic environment in which their resolution took place. The first of these was a revolt among some of the SPOA leadership. These people had been aware of the desire within the real estate industry for transitional arrangements to protect vulnerable tenants if Question 9 prevailed, but they had not realized the extent to which Jillson and Thayer had allied MHC II with industry efforts to that end. In late December, Jillson, who with Dennis Dyer and the lobbyists and lawyers for MHC II had been participating with representatives of the real estate industry in necessarily confidential strategy sessions and in negotiations with tenant advocates, felt she had to give SPOA an idea of what was going on. When she did so, some of SPOA's leaders, including cochairperson Linda Levine, Jon Maddox, and David and Aline Sullivan, who saw no reason for any compromise when total victory had been won at the polls, were angry at what they viewed as Jillson's secretive collaboration with the enemy. Throughout the final legislative negotiations, Jillson had to fight a rearguard action against those who had been her closest allies.

Circumstances were further complicated by what was going on in the Supreme Judicial Court. The court had ruled on December 27 that the ballot procedure established for the initiative questions was legal, but it had been careful to state that the ruling did not extend to the question of whether the procedure had in fact been followed. The plaintiffs in the case asserted that they could show departures from the prescribed procedure (for example, failure to furnish a copy of the separate printed summary to every voter) widespread enough to cast doubt on the outcome of certain ballot questions where the result was close, including Question 9. They wanted a trial on these issues, and they asked the court to continue in effect the restraining order against the implementation of Question 9 until such a trial could be completed, possibly a matter of several months.

In considering the issuance of a restraining order of this kind, a court weighs the likelihood of the moving party's success at trial against prejudice to the other party if the order is issued. On December 29, Justice Wilkins, aware of the legislative process in progress on Beacon Hill, extended the restraining order through January 3, the last day of the legislative session, noting that "the plaintiffs have a difficult, but not impossible, task of demonstrating that departures from the prescribed procedures were reasonably likely to have affected the result of Question 9." No one knew what Justice Wilkins would do if the question of extending the order came before him again after the legislature had failed to act, but it was certainly possible that the proponents of Question 9 could be facing a long delay in its implementation and the prospect, however unlikely, that it would be nullified altogether. These risks increased the pressure on them to accept a legislative solution.

One further event influenced the endgame on Beacon Hill. Governor Weld had originally signaled support for the McDonough bill if it was backed by the interests that had supported Question 9. These interests, spoken for by Nash and Jillson, promptly made it clear that the McDonough bill did not have their support, and the governor

stated publicly that he would not sign any measure that they did not accept. "If they are satisfied, I am satisfied," he said. "I am almost a spectator here."¹¹

So this is where matters stood as the participants entered the final days of the 1994 legislative session. On the one hand, the real estate interests did not have the votes in the legislature to pass the Nash proposal; on the other hand, the governor had promised to veto the McDonough bill. Thus each side could prevent the enactment of a law unacceptable to it, but neither had the power to achieve acceptable legislation without the cooperation of the other. Yet both sides had reason to want a legislative solution. The real estate interests still feared possible abuses by irresponsible landlords, with attendant publicity and resulting political risk; and the threat of continuation of the ballot litigation persisted. Tenant interests wished to protect vulnerable tenants from the threat of sudden rent increases and evictions.

This complex situation worked itself out over the last days of 1994 and the first of 1995. Progress was slow until Tuesday, January 3, 1995, the last day of the legislative session. Negotiations continued all through the afternoon and evening of that day. Representative McDonough was the principal participant on behalf of tenants. The central actors for the landlord interests were Nash and Edward Shanahan, representing the principal real estate trade organizations, Lapatin as their counsel, Coyne and William Delaney, Jr., the lobbyists representing, respectively, MHC II and the town of Brookline, and of course, Jillson. The evening grew later, and failure seemed likely. But as midnight neared, agreement was reached.

On the crucial issue of the required income level for elderly and disabled tenants, the negotiators split the difference: income of not more than 80 percent of the median for the Boston area would be required for protected status. The landlord interests got what they wanted on the issue of time limits, more in the case of small owner-occupied buildings than in the Nash proposal. The protected categories of tenants would enjoy continued rent control through 1995 if they lived in a condominium, in a building with three units or less, or in an owner-occupied building with more than three but not more than twelve units. Protection would expire for all other units at the end of 1996. During the period of protection, landlords could raise rents by 5 percent a year and could in any event collect as rent up to 30 percent of the combined incomes of all persons residing in a unit. All other forms of rent control were prohibited.

At two minutes before midnight, the president of the Senate brought down his gavel to complete the enactment process, and the following morning Governor Weld signed the compromise into law as Chapter 282 of the Acts of 1994. The statute applied to all cities and towns in Massachusetts having rent control without the necessity of local acceptance. It superseded the law enacted by Question 9, and thus made academic the pending case involving the ballot procedure.

There were many people observing the drama in the State House that night, including most of the original signers of the initiative petition, whom Jillson had asked to come. After all the emotion, they were slow to drift out into the clear, crisp winter night, and it was almost one o'clock before Jillson left. She and Salim Kabawat had been offered a ride to Cambridge by Dennis Dyer. As he went out to bring around his car, they lingered, tired but satisfied in the warm glow of the State House, sitting on a landing of the chandeliered marble staircase that leads from the upper floors of the building to the lobby. A woman neither of them knew passed them, walking down. At the next landing she looked back and asked, "Denise Jillson?" Jillson nodded. The woman said nothing more, but turned and continued down the staircase.

The Aftermath

There is universal agreement among those knowledgeable about housing policy in Cambridge that it will be years before the full effect of the repeal of rent control on the city's housing profile and demography is clear. By the end of 1995, however, a year after the repeal, some early consequences were apparent, and this account closes with a summary of them.

First, the effect of the transitional legislation. In early 1995, the Cambridge Rent Control Board invited tenants entitled to do so to establish so-called protected status by filing a form verifying their income level and, if applicable, age and disability. The board's records show that at the end of 1994, when rent control ended, there were approximately 16,200 controlled units in Cambridge. As of December 31, 1995, tenants in only 1,523 of these units (9.4%) had established protected status.

No one is quite sure why this number is so low. To be sure, the income eligibility limit is strict. For a tenant occupying a unit alone it is \$21,550 (\$27,950 if the tenant is elderly or disabled). For a family of four the limit on the income of all family members is only \$30,800 (\$39,900 if any family member is elderly or disabled). Moreover, it is widely assumed that many tenants entitled to protected status did not bother to establish it because their landlords did not raise their rents beyond the modest levels permitted by Chapter 282. But even with these explanations, the dramatically low percentage of formerly controlled units whose tenants established protected status gives credence to the assertion of opponents of rent control that it had become an entitlement program for middle- and upper-income tenants.

The end of rent control prompted the city to review its existing housing programs to determine whether additional initiatives should be undertaken. For many years the city's community development department has administered programs to increase housing available for low- and moderate-income residents, primarily through the acquisition and rehabilitation of substandard properties by not-for-profit entities with financial support from the city. These programs have been financed largely with federal funds, but partially with moneys contributed by the city in the form of fines collected in rent control enforcement proceedings and, to a limited extent, budget appropriations. Total expenditures have amounted to some \$2 million a year and resulted in adding fifty to one hundred units a year to the affordable housing stock.

In the spring of 1995 the city council approved a recommendation by the city manager that an additional \$2 million be appropriated for this purpose in each of the next ten years. In addition, the community development department stepped up efforts to help tenants to become home buyers through financial counseling, encouraging loans from Cambridge banks on favorable terms and in some cases assisting with closing and rehabilitation costs. In the municipal election campaign in the fall of 1995, it became apparent that some city councillors were prepared to support the expenditure of substantially more city money — as much as \$10 million a year — for housing purposes.

The fall election provided the first indication of the effect of the end of rent control on the city's politics. In the 1990s the CCA has been the dominant force, regularly electing its endorsed candidates as a majority of the city council by comfortable margins. After the 1993 election, the non-CCA councillors had caused the defection of Mayor Reeves from the CCA by joining with him to elect him as mayor, and in 1995 CCA councillor Jonathan Myers did not seek reelection. These circumstances, together

with the expectation that many tenants who had supported CCA-endorsed candidates had left the city, led the CCA's rival, the Alliance for Change, to believe that a candidate endorsed by it could win the seat vacated by Myers. The presence in the race on the Alliance ticket of James C. McSweeney, who had come closest of all the defeated candidates to election in 1993, encouraged this belief. But it was not to be. Myers's seat was handily won by CCA-endorsed candidate Henrietta Davis, a four-term member of the school committee, making her first run for the city council. The total vote was down from 1993 by more than 13 percent, but the CCA incumbents, excluding Reeves, who ran without endorsement from either the Alliance or the CCA, received 17 percent more number one votes than in the prior election. Fewer votes transferred from defeated CCA-endorsed candidates were therefore needed by them to reach the quota required under the city's proportional representation system, making more transfers available for Davis. The conclusion to be drawn from all this is that the end of rent control does not seem to have altered significantly the political profile of Cambridge.

Finally, as 1995 came to an end, an attempt to reverse the effect of Question 9 by putting rent control on the ballot again in the 1996 state election expired with no more than a whimper. In August the attorney general was persuaded to certify as complying with the state constitution a measure entitled "Community Empowerment Act," which authorized among many other things the imposition of rent control by municipalities. Proponents of Question 9 filed suit challenging the certification on the grounds that the constitution does not permit an initiative petition to appear on the ballot if it proposes a measure "substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections."¹² But the lawsuit became moot when the proponents of the Community Empowerment Act failed to organize a meaningful signature drive and did not submit any signatures to the secretary of state by the December 6 filing deadline.

The collapse of this effort seemed almost an anticlimax, for rent control, which had dominated political debate in Cambridge since 1970, had already virtually disappeared as a political issue in the city in the aftermath of Question 9. There was no mention of it in the platform of the CCA in the fall election, and it was largely ignored by the candidates. This sudden silence — astonishing, really, in light of the high-decibel acrimony that surrounded the issue for so many years — suggests that the supporters of rent control are, for the foreseeable future at least, content to accept its repeal. ■

Notes

1. Massachusetts Constitution, Amendment 48, Initiative.
2. *Ibid.*, part 2, section 2.
3. *Ibid.*, Amendment 89, section 7.
4. *Florida Statutes Annotated*, section 166.043 (West 1987).
5. Initiative 93-19, "An Act to Prohibit Rent Control in Massachusetts Except Where Voluntary, Following an Initial 6-Month Period."
6. Massachusetts Constitution, Amendment 48, Initiative, part 5, section 1.
7. *Ibid.*
8. Amy Miller, "Local Mom Led Drive to Kill Rent Control," *Cambridge Chronicle*, December 29, 1994, City Side, 1.
9. Massachusetts Constitution, Amendment 48, General Provisions, part 3.
10. 1994 Massachusetts Acts 129.
11. Donna Sue Wong and John Ellemont, "Bill Extending Rent Control under Attack," *Boston Globe*, December 29, 1994, 57.
12. Massachusetts Constitution, Amendment 48, Initiative, part 2, section 3.

The Clean Water Act

Financing Combined Sewer Overflow Projects

Clyde W. Barrow
William Hogan

In 1987 Congress expanded the scope of the Clean Water Act to include combined sewer overflows (CSOs) despite continuing to reduce federal assistance for water-pollution abatement and despite the fact that CSO abatement is far more costly than previous water-quality mandates. As a result, many low-income deindustrializing cities are now subject to an additional federal mandate that many of them cannot afford without extensive federal or state assistance. The authors conclude that, in lieu of increased federal funding for CSO abatement, U.S. Environmental Protection Agency regulatory guidelines and the Clean Water Act be amended to include an assessment of the fiscal and economic impact of CSO mandates. Such action would provide a basis for targeting the available resources where needs are greatest and the effect of CSO abatement is likely to result in tangible beneficial uses.

It is the national policy that federal financial assistance be provided to construct publicly owned waste treatment works.

— Clean Water Act of 1977

The Nature and Distribution of Combined Sewer Overflows

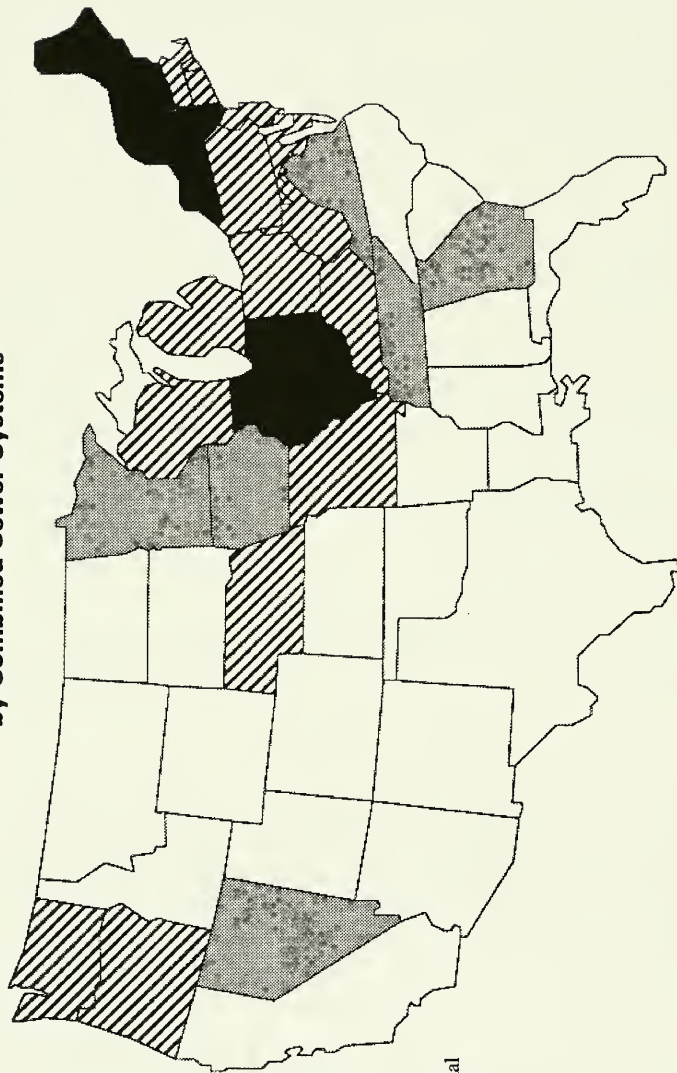
In most U.S. cities, sewer lines and stormwater collection systems were first constructed in the 1800s and early 1900s. Typically, sewer lines designed to carry raw sewage from urban residential areas and business districts were laid first. These were followed by stormwater drainage systems designed to collect rainwater during storms to reduce or eliminate urban flooding. In many cases, sewer lines and stormwater conduits were connected into a combined sewer, namely, a single collection system that conveys both sewage and stormwater.

The U.S. Environmental Protection Agency (EPA) estimates that there are more than 1,300 combined sewers in the United States serving approximately 1,100 communities with a total population of 43 million people.¹ Combined sewers are located primarily, although not exclusively, in the Northeast and Great Lakes areas. Eleven states in these two geographic areas account for 85 percent of the water-quality problems attributed to CSOs nationwide (see Figure 1).² Only eight states account for 70 percent of the

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Figure 1

Geographic Distribution of Population Served by Combined Sewer Systems



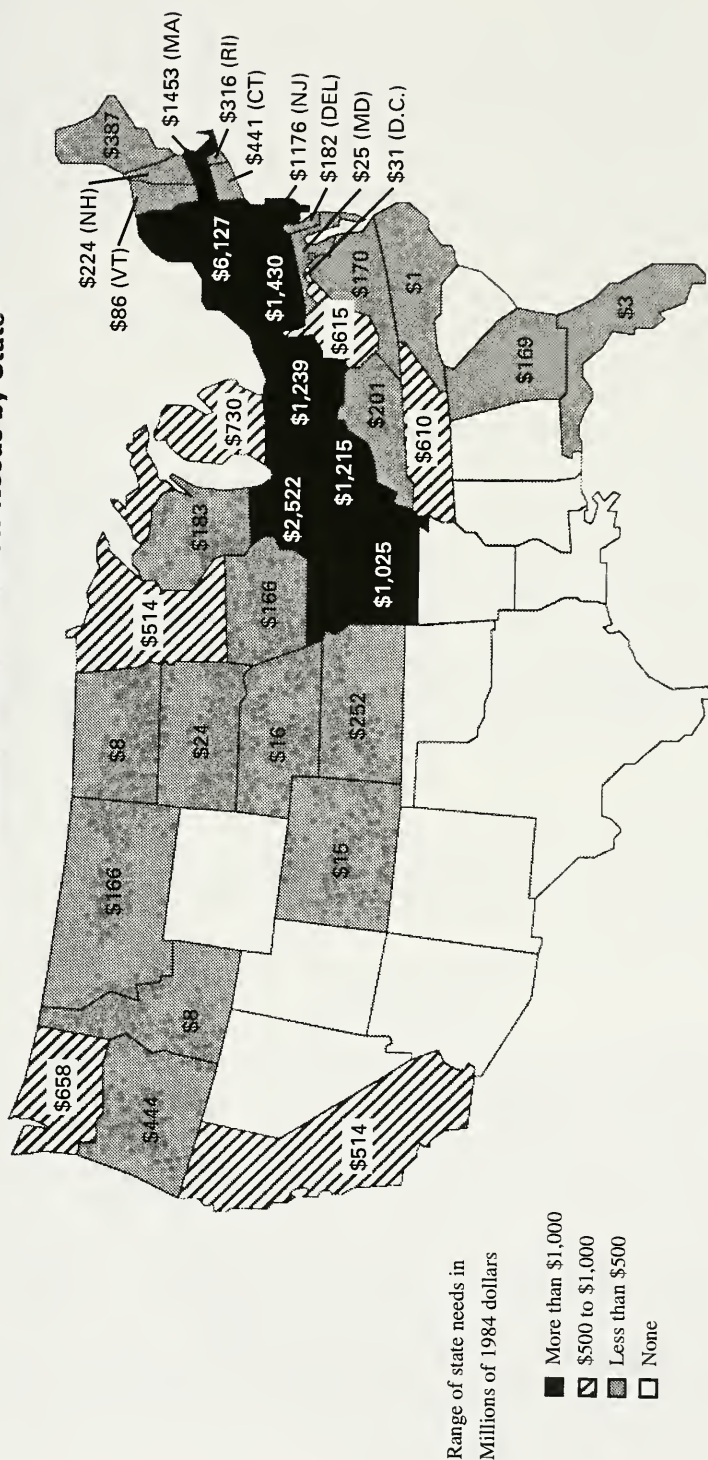
Ratio of projected population
served by combined sewer to total
sewer population, 1962

- 51% and over
- ▨ 26% to 50%
- ▩ 11% to 25%
- 0% to 10%

Source: U.S. Environmental Protection Agency, *Report to Congress on Control of Combined Sewer Overflows in the United States* (Washington, D.C.: Office of Water Program Operations, 1978), 1-2.

Figure 2

1984 Combined Sewer Overflow Needs by State



Source: U.S. Environmental Protection Agency, *Assessment of Needed Publicly Owned Wastewater Treatment Facilities in the United States: 1984 Needs Survey Report to Congress* (Washington, D.C.: Office of Municipal Pollution Control, 1985), 14.

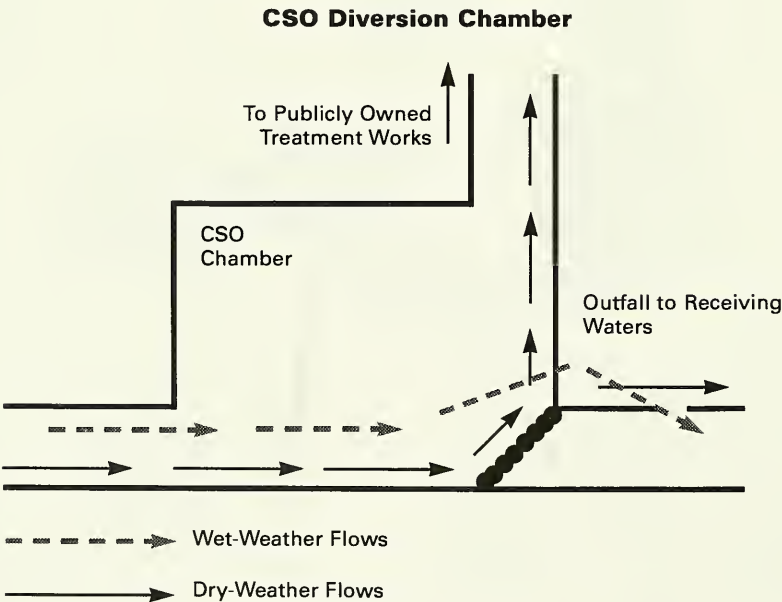
assessed construction needs for water-pollution abatement caused by combined sewer overflows (see Figure 2).³

In their earliest phase of development, sewer lines and stormwater collection systems were designed to discharge directly into receiving waters such as rivers, lakes, bays, and estuaries. These plans were developed long before the adverse health and environmental effects of such discharges were understood by scientists, government officials, and the general public. However, as part of an emerging public awareness and concern over such effects, the U.S. Congress passed the U.S. Public Health Act and the Federal Water Pollution Control Act of 1948. Cities and towns that had not already done so were required to build primary wastewater treatment facilities to strain and disinfect raw sewage before discharging it into receiving waters.

In addition to the construction of primary treatment facilities, municipalities with combined sewers encountered a derivative problem. Publicly owned treatment works (POTWs) are designed to process normal dry-weather sewage flows that come to the treatment facility from the collection system. During rainfalls, additional flows of stormwater enter a combined sewer through street inlets. The combined sewage flow and stormwater runoff often exceed the intake capacities of a POTW. Thus, if a combined sewer can discharge only through the POTW, the treatment facility is overloaded with stormwater and causes an extreme outfall of untreated combined sewage into the receiving waters; to prevent an overload of the POTW, excess flows may be contained in the collection system, where they back up and cause localized flooding of combined sewage in residential areas and business districts.

The standard solution to the problem of excess combined flows has been to construct diversionary chambers at key points throughout a collection system. As Figure 3 illustrates, the trunk lines of a combined sewer are generally routed into regulator chambers

Figure 3



that partially block outfalls to receiving waters with either a fixed or movable interceptor. Under normal dry-weather conditions, raw sewage flows are diverted into lines that carry them to the publicly owned treatment works where sewage is treated before being discharged into receiving waters.

During a storm, the water level rises in a combined sewer, and by design, the excess combined sewer flow (CSF) begins to overflow the interceptors and discharges directly into receiving waters without treatment. Combined sewer overflows contain not only untreated sewage, but stormwater runoffs entering the system gather dry-weather pollutants that have accumulated on the streets, in the gutters, and on the roofs of buildings. In addition, dry-weather sediments that have accumulated in the sewers are resuspended as the velocity of combined flow increases with the rising volume of storm water.⁴ Therefore, the untreated effluents of a combined sewer overflow often contain unhealthy and environmentally dangerous levels of fecal matter, sediment, microorganisms, oil and grease, toxic metals, organic pollutants, and other storm debris.⁵

The Federal Water Pollution Control Act: An Evolving National Policy

The problem of water pollution caused by untreated or inadequately treated wastewater was revisited by the U.S. Congress in the Federal Water Pollution Control Act Amendments of 1972. This legislation established the fundamental principles and objectives of a national wastewater management policy. Section 101(a) of that legislation established an ambitious national mandate by declaring the following:

The Objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act —

- (1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;
- (2) it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983;
- (3) it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited;
- (4) it is the national policy that federal financial assistance be provided to construct publicly owned waste treatment works.

To achieve these goals, the Federal Water Pollution Control Act Amendments of 1972 established a national program to regulate the discharge of pollutants into surface waters. The legislation created a National Pollutant Discharge Elimination System (NPDES), which requires point-source polluters to obtain a permit for discharges into U.S. waters. Generally, point sources consist of industrial process wastewater outfalls and sewage outfalls from municipal treatment plants.⁶ The legislative guidelines for the NPDES require point-source dischargers to comply with specific technology-based requirements. For instance, the effluent limitations for all publicly owned treatment works are based on levels achieved by the implementation of secondary treatment.⁷

Under the 1972 legislation, individual states can assume authority for the administration of NPDES once their permitting processes are approved by the EPA. The law requires that state water-quality standards be consistent with federal policy but, if necessary to achieve the act's objectives, states are allowed to impose water-quality

standards more stringent than those required by federal regulations. Thirty-eight states operate EPA-approved NPDES permitting programs.

The 1972 legislation explicitly linked the achievement of national water-quality goals to federal financial assistance for municipalities affected by the new mandate (Section 101[a][4]). The Federal Water Pollution Control Act Amendments of 1972 implemented this linkage by creating a Construction Grants Program (CGP) that provided deep subsidies for the construction of publicly owned treatment works. The EPA was charged with administering the Construction Grants Program. Moreover, to provide guidance to Congress in funding the CGP, the EPA is required to develop biennial estimates "of the cost of construction of all needed publicly owned treatment works in each of the States" (Section 516 [b]).

The Clean Water Act of 1977

The national water-quality goals established by the Federal Water Pollution Control Act Amendments of 1972 were incorporated unchanged into the Clean Water Act of 1977, which otherwise extensively amended the earlier legislation. Significantly, for the first time, section 70 of the Clean Water Act specifically directed the EPA to "report on the status of combined sewer overflows in municipal treatment works operations" by the following year.⁸ Combined sewer overflows from publicly owned treatment works were not covered explicitly by NPDES in either the 1972 or the 1977 legislation. NPDES regulates point sources of water pollution, while scientists, engineers, and EPA officials considered combined sewer overflows to be nonpoint sources of pollution. Consequently, it was generally assumed that stormwater discharges from combined sewer overflows were exempt from NPDES permits and, for this reason, CSOs were never specifically covered by the EPA's original NPDES regulations.⁹

Nevertheless, various legal challenges in the federal courts questioned the prevailing interpretation of the regulatory status of CSOs. The federal courts recognized stormwater and CSO discharges as point sources of water pollution. Therefore, communities that had met the NPDES technology-based requirement for secondary treatment at their POTWs were increasingly deemed subject to legal and regulatory action for combined sewer overflows that violated the water-quality standards established by the Clean Water Act of 1977.

Congress made a major policy departure by embracing the federal courts' opinion on this matter in the Water Quality Act of 1987.¹⁰ Section 405 of the act amended the earlier legislation to require NPDES compliance for any stormwater discharge "that contributes to a violation of a water-quality standard or is a significant contributor of pollutants to waters of the United States." In this regard, the legislation directed the EPA to establish permit application requirements regulating municipal stormwater discharges. The EPA issued a national combined sewer overflow control strategy on September 8, 1989. The strategy emphasizes, quite explicitly, that CSOs are point sources of pollution subject to NPDES permits.¹¹

The strategy, covering approximately 1,100 municipalities, establishes three major criteria for CSO control.¹²

- The policy allows no more than an average of four overflows per year for an urban area, and no more than five in rural areas.

- The policy calls for treatment of at least 85 percent of the volume of the combined sewage in the combined sewer system during rainfall events on a systemwide average basis.
- The policy establishes nine other minimum controls that prohibit CSO discharges in dry weather, regulate solid materials, require proper maintenance and monitoring of CSO facilities, and require public notification of CSO discharges.¹³

The new control strategy also directed the individual states to develop statewide CSO permitting strategies by January 1, 1990. More than thirty states had received EPA approval for their CSO control strategies as of April 6, 1992.¹⁴

Federal Funding of Water Pollution Abatement

The Federal Water Pollution Control Act of 1972 established an ambitious national mandate to improve water quality over a relatively short period of time. Subsequent amendments to the original legislation (1977, 1981) have reiterated the same national goals, then extending those goals in 1987 to include the problem of combined sewer overflows. A crucial component of the original national mandate was the establishment of a “national policy that federal financial assistance be provided to construct publicly owned waste treatment works” (Section 101[a][4]).

As noted above, the 1972 act, Section 201(a), established the Title II Construction Grants Program to support “the development and implementation of waste treatment management plans and practices which will achieve the goals of this Act.” Initially, the program provided direct federal grants to municipalities and special districts for the construction of publicly owned treatment works, including CSO projects. The federal grants normally covered 75 percent of the cost of constructing the most cost-effective alternative for providing the necessary wastewater treatment.¹⁵

The 1972 and 1977 legislation allotted funds from the Construction Grants Program among the individual states “in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States” (Section 205[a]). Each state’s allotment under this formula was allocated directly to municipalities and special districts for individual construction projects on the basis of state priority ratings developed by each state. The federal regulations governing the EPA’s Construction Grants Program specified that states were to rate individual projects within their jurisdiction on the basis of four criteria: (1) severity of the pollution problem; (2) size of the population affected; (3) the need for preservation of high quality waters; (4) at the state’s option, the category of need addressed.¹⁶

The categories of need consisted of secondary treatment, more stringent treatment, correction of infiltration and inflow problems, sewer system replacement or major rehabilitation, new collectors and appurtenances, new interceptors and appurtenances, and the correction of combined sewer overflow problems.¹⁷ Each state was given sole authority to determine the relative weight of each of the four criteria, as well as sole authority to determine the priority of the various categories of need. Thus, whether a given combined sewer overflow project fell within a fundable part of a state’s priority list depended on state policy.

Furthermore, the EPA stipulated that combined sewer overflow projects could qualify for federal grant assistance only if several additional criteria had been met:

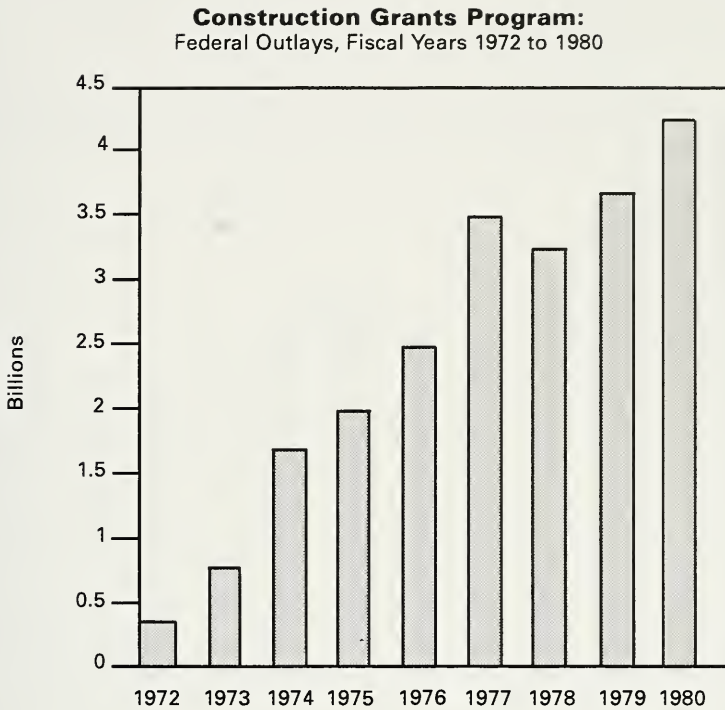
- The proposed level of CSO control was necessary to protect a beneficial use of the receiving water even after technology-based standards had been achieved by industrial point sources and at least secondary treatment had been achieved for dry-weather municipal flows;
- Secondary treatment of dry-weather municipal flows had been achieved, or provision for funding of secondary treatment had already been made;
- The proposed CSO control technique would be more cost effective than other CSO control techniques or adding higher than secondary treatment for dry-weather municipal flows;
- The marginal costs were not substantial compared with marginal benefits.¹⁸

As noted above, the Clean Water Act of 1977 directed the EPA to "report on the status of combined sewer overflows in municipal treatment works operations" and to conduct a CSO needs assessment based on current applications for CSO project funding under the CGP. The act further stipulated that the report determine the number of years necessary, "assuming an annual authorization and appropriation for the construction grants program of \$5,000,000,000, to correct combined sewer overflow problems" (33 U.S.C. 1375, Section 70[c]). Based on this fiscal assumption, the EPA estimated that it would take a minimum of ten years to complete CSO control under optimal conditions and perhaps as many as forty years to correct in some states.¹⁹ However, in calculating these estimates the EPA emphasized to Congress and the president "the importance of maintaining constant buying power in the construction grants program if CSO correction is to be achieved in a reasonable period of time."²⁰ In fact, federal outlays for the Construction Grants Program increased during the 1970s, but actual outlays never reached the \$5 billion promised by the 1977 legislation (see Figure 4). CGP outlays reached a peak of only \$4.3 billion in fiscal year 1980 and have been declining since that time.

Indeed, the Municipal Wastewater Treatment Construction Grant Amendments of 1981 marked the beginning of a formal retreat in the federal government's financial commitment to national water-quality goals. First, the amendments imposed a requirement that, effective October 1, 1984, no less than 80 percent of each state's CGP allotment "shall be made only for projects for secondary treatment or more stringent treatment, or any cost effective alternative thereto, new interceptors and appurtenances, and infiltration-in-flow correction" (33 U.S.C. 1281, Section 201[g][1]). This change effectively mandated secondary treatment as the top priority for the Construction Grants Program, even as federal courts were bringing CSO problems under the jurisdiction of the Clean Water Act.

The effect of this change was partially offset by two other components of the legislation. Beginning in fiscal year 1983, a separate appropriation of \$200 million per fiscal year was authorized specifically to address the water-quality problems of marine bays and estuaries affected by discharges from combined stormwater and sanitary sewer overflows. However, only 10 percent of U.S. combined sewer facilities affect marine bays and estuaries.²¹ The EPA was authorized to use funds from a state's regular CGP allotment for CSO construction projects, but only where the correction of CSO problems was deemed a major priority in the state's ranking system and only if requested to do so by a state governor (33 U.S.C. 1285, Section 201[n]).

Figure 4



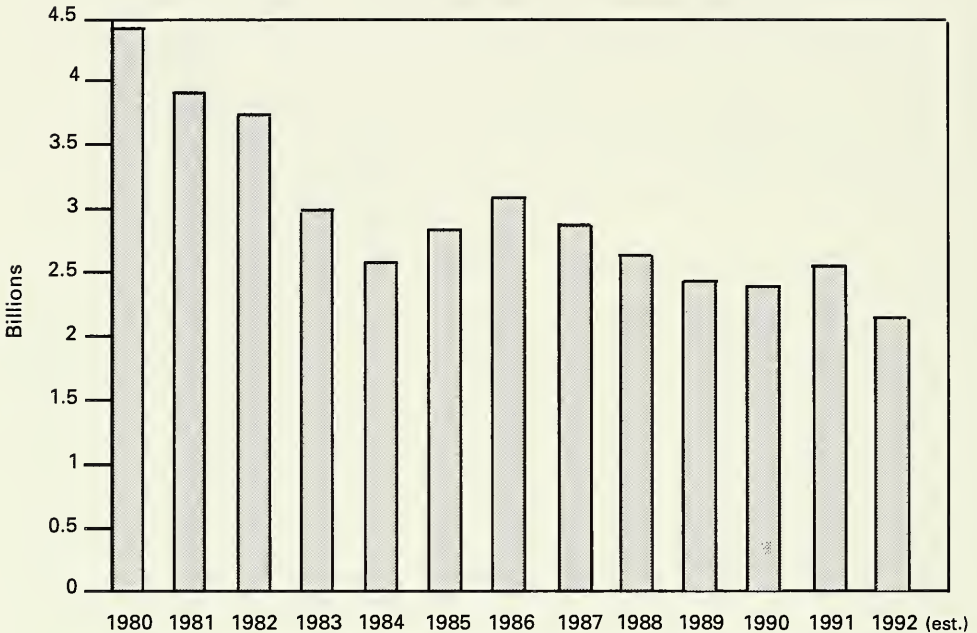
Source: Office of the President, *The Budget of the United States Government: Appendix* (Washington, D.C. : Government Printing Office, 1973-1981)

Third, and most important, the Construction Grant Amendments of 1981 reduced the federal contribution for the construction of publicly owned treatment works from 75 percent to 55 percent of construction costs.²² In addition, the 1981 amendments lowered the annual authorizations for the Construction Grants Program and, accordingly, federal outlays for the construction of publicly owned treatment works began a steady decline that has continued unabated for sixteen years, even though the original water-quality goals and mandates remain the same as in the 1970s (see Figure 5).

Congress clearly understood that the sharp and protracted decline in federal assistance initiated by the 1981 amendments would create difficulties for municipalities currently or potentially subject to federal court orders. Section 26 of the 1981 amendments cited “the sense of the Congress that judicial notice should be taken of this Act and of the amendments to the Federal Water Pollution Control Act made by this Act, including reduced authorization levels under section 207 of such Act.” While such decisions remain within the discretion of individual judges and courts, it was unquestionably the intent of Congress that the judiciary take special notice of the hardship created for municipalities by reduced federal funding. Consequently, Section 26 of the 1981 amendments directs that “parties to Federal consent decrees establishing a deadline, schedule, or timetable for the construction of publicly owned treatment works are encouraged to reexamine the provisions of such consent decrees and, where required by equity, to make appropriate adjustments in such provisions.”²³

Figure 5

**Construction Grants Program:
Federal Outlays, Fiscal Years 1980 to 1992**



Source: Office of the President, *The Budget of the United States Government: Appendix* (Washington, D.C. : Government Printing Office, 1981-1993)

Significantly, even when federal funding levels were at their peak for the Construction Grants Program, EPA needs assessments indicated that “the construction grant monies allocated to each region and state have never been sufficient to cover every proposed project [even though] few sewage facilities can be constructed without federal assistance.”²⁴ Nevertheless, in its first year (FY 1981), the Construction Grant Amendments reduced the CGP spending authorization to \$3.9 billion. In the time covered by the amendments, spending authorizations fell steadily to \$2.9 billion in FY 1988.²⁵

Overall, federal construction-related expenditures for sewage treatment facilities dropped by 48 percent in constant dollars from 1980 to 1988, despite EPA warnings that constant-dollar buying power would have to be sustained to achieve federal water-pollution mandates within the time frame established by the 1977 and 1987 legislation.²⁶ Moreover, EPA needs assessments indicate that by 1985 CSO projects had become the largest unmet need in the federal Construction Grants Program even though Congress mandated that secondary treatment be given top priority for funding. The EPA’s most conservative estimate is that CSO control will require more than \$23 billion in capital expenditures to reach the goals established by the Clean Water Act.²⁷

Nevertheless, the erosion of federal support for the construction of publicly owned treatment works continued with the Water Quality Act of 1987. The federal spending authorization for construction of POTWs was reduced by another 75 percent, from \$2.4 billion in FY 1988 to only \$600 million in FY 1994. The act attempts to partially offset

the effect of these reductions on municipalities by mandating increased state contributions to the construction of treatment facilities.

The Water Quality Act enforced the state mandate by requiring the states to create state water pollution control revolving funds (SRFs) by September 30, 1989. The act authorizes annual federal appropriations to the SRFs, with each state's allotment defined as a fixed percentage of the total annual federal appropriation for all SRFs. However, in order to receive its federal allotment, each state must enter into a binding capitalization grant agreement with the EPA. These agreements require a state to match every four dollars in federal allotments with one state dollar. Thus, each state is expected annually to provide at least 20 percent of the total capitalization for its state revolving fund. The state must make its contribution to the SRF, in quarterly installments, on or before the date of the federal contribution. Moreover, in contrast to the earlier Construction Grants Program, the SRFs are authorized only to make loans to municipalities at below-market to zero interest rates. Loan recipients are required to establish a dedicated source of revenue, usually sewer fees, for repayment of the loan. Annual principal and interest payments must commence no later than one year after completion of the project and be fully amortized not later than twenty years after completion of the project.

However, as state governments plunged into fiscal crisis in the early 1990s, they increasingly slashed discretionary spending in order to balance budgets and to fund entitlements. In fiscal years 1992 and 1993, thirty-four states implemented spending reductions.²⁸ In this context, a recent National Conference of State Legislatures survey of state legislative budget officers suggests that funding environmental projects has been relegated to a fiscal nonissue as state governments seek to eliminate deficits, with funding going to costly entitlement programs such as Medicaid, Aid to Families with Dependent Children, K-12 education, and prisons.²⁹ One consequence of inadequately financed state revolving funds is that more and more municipalities are locked in confrontations with federal courts and the EPA over mandated CSO projects that many municipalities simply cannot afford to finance without extensive federal or state assistance.

Indeed, the problem of unfunded CSO mandates has become such a significant municipal issue that a special CSO Partnership was established by twenty-five municipalities during the 1988 annual congress of the National League of Cities. By 1989 one hundred twenty-five municipalities had joined the partnership in an effort to secure more flexible CSO regulations and more federal funding to aid local compliance with those regulations. The CSO Partnership contends that under existing guidelines, CSO control will exceed the financial capacities of many municipalities, particularly older cities with a limited tax base and a plethora of more pressing capital needs such as schools and fire and police protection.³⁰

Case Study: CSO Abatement in Fall River, Massachusetts

The city of Fall River, Massachusetts, a member of the CSO Partnership, illustrates the dilemma faced by many old industrial and, increasingly, deindustrialized northeastern cities where the most serious combined sewer overflow problems are concentrated in the United States. Fall River, a coastal city with approximately 92,000 residents, is located in southeastern Massachusetts about twenty miles east of Providence, Rhode Island. The history of wastewater treatment in Fall River closely parallels the national pattern of wastewater facilities development. Fall River's original sewer system was designed and

constructed in the years 1820 to 1850. For the most part, its current combined sewer system was constructed between 1910 and 1930. Until 1952 the combined system discharged untreated sewage and stormwater runoff directly into adjacent Mount Hope Bay, the Quechechan River, and the Taunton River.

In response to the federal mandates contained in the U.S. Public Health Act and the Federal Water Pollution Control Act of 1948, Fall River constructed a publicly owned primary wastewater treatment plant (1948–1952). The facility provided primary treatment for normal dry-weather sewer flows and discharged the treated effluents into Mount Hope Bay. Fall River's primary treatment facility was upgraded in 1961 and 1971. Finally, in compliance with the Federal Water Pollution Control Act Amendments of 1972, the city initiated the design and planning of a secondary wastewater treatment facility. It was constructed from 1979 to 1981, with 75 percent of the project's \$36 million cost defrayed by the EPA's Construction Grants Program. Because an additional 15 percent of the construction cost was defrayed by the state, Fall River was required to provide only 10 percent of the capital necessary to comply with the federal mandate. Finally, during the last decade, the city voluntarily implemented an industrial pretreatment program.³¹ This series of improvements to Fall River's wastewater treatment process produced a system that complied with the water-quality standards established under the water control amendments of 1972 and with the provisions of the Clean Water Act of 1977. The city's most recent environmental study indicates that under dry-weather conditions, discharges from the city's sewer system no longer disturb water quality sufficiently to affect the normal life of receiving waters.

However, because the Water Quality Act of 1987 defined combined sewer overflows as a point source of pollution, Fall River responded to changing federal policy by commissioning a Phase I CSO facilities plan, which was completed by the Maguire Group, Inc., in November 1987. As a result of findings reported in the plan, Fall River implemented a further \$12 million rehabilitation of its combined sewer to reduce infiltration inflows to the system. The city also instituted new collection system controls that include the routine cleaning of sewer lines to reduce back pressure and the addition of weirs to the CSO structures to prevent outflows during low-flow periods. These improvements have virtually eliminated dry-weather CSOs and limited CSO discharges during periods of light rainfall.³²

Yet during moderate to heavy rainfalls, excess flows continue to build up in the combined sewer and discharge, untreated, into receiving waters. Currently the city's combined sewer has nineteen outfall points that discharge into Mount Hope Bay (13), the Quechechan River (4), and the Taunton River (2). These outfalls are estimated to contribute about 941 million gallons per year of untreated wastewater to the receiving waters.³³ Fecal coliform is the main pollutant discharged during Fall River's combined sewer overflows, although the most recent study of their environmental impact indicates that after a combined sewer overflow, fecal coliform levels in Mount Hope Bay return to prestorm levels within twenty-four to forty-eight hours.³⁴

Nevertheless, after the Environmental Protection Agency released its combined sewer overflow control strategy in August 1989, the anticipated change in administrative policy placed Fall River in technical violation of its National Pollutant Discharge Elimination System permit, mainly because of the combined sewer overflows that occur during moderate to heavy rainfall. On September 29, 1989, the EPA issued an administrative order to the city of Fall River, citing the discharge of untreated storm and sanitary wastewater from the nineteen combined sewer outfalls as a violation of its NPDES

permit (MA0100382). The administrative order required the city to submit a Phase II draft CSO facilities plan to the EPA and to the Massachusetts Department of Environmental Protection (MDEP) by November 1, 1990. The Phase II plan was required to assess alternative solutions to the Fall River CSO problem and to recommend a solution in conformity with EPA and MDEP planning guidelines.³⁵

Phase II planning resulted in a recommendation that Fall River construct an off-line deep-tunnel storage facility. The consultant's recommendation is to bore a 4.6 mile, 18-foot-diameter tunnel 150 feet below ground, giving the tunnel a storage capacity of 48.3 million gallons. During periods of rainfall, excess combined sewer flows would be routed into the deep tunnel and stored so that combined flows neither overload the treatment facility nor discharge into receiving waters. Once rainfalls end and flow levels to the treatment facility return to normal, excess wastewater stored in the deep tunnel would be pumped to the publicly owned treatment works, where it can receive primary and secondary treatment. The proposed deep-tunnel storage alternative will not entirely eliminate combined sewer overflows, but it will reduce the number of CSOs to four per year, a level of CSO abatement sufficient to comply with the EPA's CSO control policy and the MDEP's combined sewer overflow strategy.³⁶

In the meantime, the city of Fall River was also sued by the New England Conservation Law Foundation, Inc., under provisions of the Clean Water Act. The U.S. District Court, District of Massachusetts, issued an enforcement order on March 11, 1992, which dictated a strict planning and construction timetable for the proposed CSO facility in Fall River.³⁷ The federal court's timetable is consistent with the schedule for statewide CSO control established by the Massachusetts Department of Environmental Protection, which estimates that CSO abatement in the state will take at least fifteen to twenty years. However, the document establishing the statewide CSO control strategy also acknowledges that "the limitation in funds will be the major obstacle to achieving water-quality standards in [the state's] CSO impacted areas."³⁸

Funding CSO Abatement

The total capital cost of the proposed deep-tunnel storage facility in Fall River is estimated to be \$115 million. This mandated cost is imposed despite the fact that Fall River remains in a chronic condition of economic and fiscal distress.³⁹ For instance, its economy depends heavily on a declining manufacturing base that still accounts directly for more than one-third of all the city's employment and wages. Since 1986, Fall River's total employment base has declined by more than 7 percent, for a net loss of 2,659 jobs. This figure is roughly 50 percent higher than that for statewide job losses during the same period; similarly, unemployment over the entire course of the last business cycle was approximately 50 percent higher than the statewide average. As of March 1996, the city's unemployment rate was more than 14 percent and exceeded 19 percent during the trough of the 1990-1991 recession.

Not surprisingly, standard measurements of Fall River's fiscal capacity indicate that the city's ability to raise revenue locally is far below average. First, Fall River residents are among the poorest in the state of Massachusetts. Fall River's per capita income of \$10,966 (1989) is only 62 percent of the statewide average and ranks 348th of 351 Massachusetts municipalities. Similarly, Fall River's median household income of \$22,452 (1990) is only 54 percent of the statewide average and ranks 347th of the 351 municipalities. Second, while the main own-source revenue for Massachusetts municipi-

palities is the property tax, Fall River's residential, commercial, and industrial property values are in a chronically depressed condition. In 1992, total assessed property values per capita in Fall River were \$30,752, or only 49 percent of the statewide average, that is, 347th. Consequently, the city has been heavily dependent on state local aid; yet, because of the state's own fiscal crisis, this source of revenue declined by more than 20 percent after fiscal year 1989.

Despite the city's distressed economic condition and abnormally low fiscal capacity, the expectations for federal and state assistance continue to diminish each year. As already documented, federal assistance for wastewater construction projects has been declining for more than a decade, and current authorizations for spending under the Water Quality Act indicate that this trend will continue for the foreseeable future. At the same time, state finances in Massachusetts, as elsewhere, are only beginning to emerge from the severe fiscal crisis that began in 1989.⁴⁰ Indeed, recent analyses by state legislative budget officers and others project that state finances will remain precarious in most states for the near future.⁴¹ Finally, as a result of declining federal and state assistance for water pollution abatement, the financial capacities of the Massachusetts state revolving fund appear inadequate to support the numerous abatement projects eligible for funding.

As previously noted, passage of the Water Quality Act of 1987 dramatically altered the Construction Grants Program by shifting the main responsibility for administering wastewater treatment grants from the Environmental Protection Agency to the state revolving funds. In 1989, the commonwealth of Massachusetts complied with the requirements of the Water Quality Act by creating a state revolving fund under Chapter 275 of the Massachusetts General Laws. The fund is managed as the Massachusetts Water Pollution Abatement Trust (MWPAT) under the Massachusetts Department of Environmental Protection.

Nationwide, CSO abatement has been costing from \$1,300 to \$2,500 per capita for households served by a combined sewer system.⁴² Thus, estimates based on these averages predict that CSO abatement in Massachusetts will require from \$2.5 billion to \$4.9 billion in capital outlays over the next fifteen years and, in fact, the EPA's total documented needs for CSO abatement in Massachusetts already exceed \$2.7 billion.⁴³ Three CSO projects alone, serving eleven of its twenty-six affected communities, have a known cost of more than \$2 billion — Boston/Massachusetts Water Resource Authority at \$1.6 billion, Lower Connecticut River Valley at \$350 million, and Fall River at \$115 million.

Hence, to meet the timetable established by the state's CSO control strategy, the MWPAT would need to advance approximately \$300 million annually in capital outlays simply to address the state's CSO problem. However, in its first four years the MWPAT received state and federal capitalization funds sufficient to issue only \$120 million in loans. The MWPAT's financial plan predicted that \$661 million in new projects would be funded through 1995, but nearly three-quarters (74%) of that sum was allocated to the Massachusetts Water Resources Authority for the Boston Harbor cleanup and to the city of New Bedford for the construction of a secondary treatment facility.⁴⁴ It is evident that the current and anticipated resources of the MWPAT are inadequate to meet CSO water-quality mandates within a fifteen-year time frame, particularly since secondary treatment remains a higher-level priority in the competition for limited funds.

As a result, Massachusetts, like many states, has gradually been shifting the costs of federal water pollution mandates onto municipalities. The state's original SRF guide-

lines established so-called 45 percent grant equivalency awards for municipal water pollution abatement projects deemed federally eligible and, therefore, entered on the MDEP's state priority list. A 45 percent grant equivalency is achieved by advancing the full capital cost of a project as a loan to the municipality. Interest payments on the loan are heavily subsidized from reserve and equity funds controlled by the MWPAT and are further defrayed by annual payments made to the MWPAT by the state on behalf of municipalities with outstanding loans. The effect of these subsidies is that a 45 percent award appears to the recipient to be a loan amortized at approximately 3 percent simple interest over twenty years.

Significantly, the Massachusetts DEP's original policy intent was to also provide 75 percent grant equivalency awards for priority-listed projects in so-called hardship communities. A 75 percent grant equivalency is achieved by first advancing the full capital cost of a project to the eligible municipality. The MWPAT raises the grant from 45 percent to 75 percent by forgiving 25 percent of the loan, effectively writing off this portion of the principal. The remaining principal is repaid at near zero percent subsidized simple interest.

When Phase I planning of the Fall River CSO project was approved for construction grants funding in 1983, it received, as a hardship community, an outright 90 percent grant rather than a loan. Thus, as the project developed over the following decade, it was widely expected by city officials, business leaders, and citizens that the remainder of the project — Phase II design and Phase III construction — would continue to qualify for at least a 75 percent grant equivalency award under the MDEP's hardship provisions.

However, the original design and program guidelines for the state revolving fund were premised on fiscal conditions that ceased to exist soon after the program's start-up in 1989. As the state's fiscal condition failed to improve significantly, MWPAT guidelines were amended in 1992 to reduce the grant equivalency awards available to the state's municipalities for water pollution abatement (Chapter 205, M.G.L.). The category for hardship communities was abolished.⁴⁵ Furthermore, projects remained eligible for 45 percent grant equivalency awards only if they were placed on the state's priority list before 1992. Thus, the Phase II design costs for Fall River's CSO project may qualify for 45 percent grant equivalency assistance, but given other changes to the MWPAT guidelines, it is quite definite that Fall River will not receive a similar equivalency for the more costly Phase III construction.

The 1992 Chapter 205 amendments reduced MWPAT loans from 45 percent to 25 percent grant equivalency for projects placed on the state's priority list in 1992 or afterward. A 25 percent grant equivalency is achieved by decreasing the interest rate subsidies provided on MWPAT loans. Since the actual construction phase of Fall River's CSO project has been postponed by a court decision, it will qualify at best for a 25 percent award. Under this scenario, Fall River would have to triple its municipal sewer fees or raise property taxes by 24 percent simply to finance the CSO project. However, there is no guarantee that the project will be funded either in part or in its entirety, since the MWPAT's own fiscal capacities are under stress. If Fall River is required to finance its project entirely through its own resources, the city would be required to quintuple municipal sewer fees or raise property taxes by 43 percent.

Consequently, as Fall River's CSO project has developed through its various phases, federal and state financial assistance have steadily withered away. A CSO project becomes more costly in each succeeding stage as it moves from Phase I planning to

Phase II design to Phase III construction. Yet, in moving through each of these phases, Fall River has encountered a steady decline in assistance, from a 90 percent grant for the least expensive phase of the project, to a likely 45 percent grant for the slightly more expensive Phase II design, to a possible 25 percent grant for construction of the CSO facility. Moreover, given the MWPAT's fiscal constraints, there is a strong likelihood that the city will have to finance all or part of the project through a municipal bond issue paid for with dedicated increases in municipal sewer fees or property taxes.

However, under either scenario, calculations of projected debt ratio indicate that Fall River may be required to exceed even the emergency debt ceiling established by state law, which limits cities to a debt ratio of 5 percent of equalized assessed property values.⁴⁶ Thus, in order to comply with the federal CSO mandate, the city would have to violate state laws concerning municipal finance or obtain a special waiver from the state's Emergency Finance Board. Significantly, Fall River's Moody bond rating of only Baa1 is already among the lowest in the state despite the city's merely average per capita debt load.

Hence, in complying with the federal CSO mandate, it is quite possible that the city's bond rating will fall to junk bond status, namely Ba1 or lower, and in using up the city's available credit, the CSO project will crowd out approximately \$100 million in ready-to-go capital spending required to rebuild the city's ailing human and physical infrastructure.⁴⁷ In effect, compliance with the federal court order could force Fall River to sacrifice schools, fire and police protection, and drinking water improvements to combined sewer overflow abatement. Nevertheless, Fall River has been forced to move forward on the CSO project according to a strict timetable established by the U.S. District Court without regard to fiscal realities. As a result, the city is wedged between the mandate of a national policy and the constraints of local economic and fiscal conditions.

The Prospects for Fiscal Relief

Any realistic appraisal of federal and state fiscal policies suggests that municipal officials cannot expect any significant relief from unfunded water-quality mandates in the foreseeable future. While a variety of legislation is pending at both the federal and the state levels, this legislation, even if passed in toto, will still offer limited relief to municipalities and ratepayers. Indeed, the structural gap between the costs of federal water-quality mandates and the fiscal resources available to meet those mandates, which continues to grow wider, is not likely to be closed during the remainder of the decade.

Pending legislative initiatives that claim to offer relief consist of two types: (1) direct financial assistance to municipalities for water-quality improvements and (2) indirect assistance to sewer ratepayers through individual tax subsidies. The most significant direct-relief initiative pending at the federal level is a reauthorization of the Water Quality Act, which had been expected to pass Congress by the end of 1994. It is widely expected that the reauthorization, if it ever moves forward, will contain at least three significant changes involving the financing of water-quality mandates.⁴⁸ First, the new act was expected to provide an initial federal authorization to the state revolving funds of \$2.5 billion with the authorization increasing to \$5.5 billion by FY 2000. Thus, if Congress actually appropriates the full amount authorized by the Water Quality Act of 1994, and if individual states fully match the federal appropriation, the SRFs would receive an additional \$35 billion in capitalization by the end of the decade. Second, the

new act will also create a special class of “hardship communities” defined as municipalities in which sewer rates exceed a fixed percentage (most likely 1.25%) of median household income. Under the proposed language, state revolving funds will be allowed to make negative-interest-rate loans, in effect a partial grant, to hardship communities, if a state legislature passes separate legislation authorizing its SRF to grant negative-interest-rate loans. Finally, the new act will probably authorize SRFs to extend the loan repayment period from twenty to thirty or forty years for hardship communities, effectively reducing the annual outlays of the affected municipalities by 25 percent or more, although the total debt load will not be affected by this provision.

While such changes are an important step in the right direction, several caveats are in order. Congress has indicated its intent to withdraw from any further financing of water-quality improvements once the reauthorized Water Quality Act expires in FY 2000. By that time, Congress insists that the SRFs are to be fully self-financing revolving funds capable of meeting water-quality mandates without additional federal assistance. However, the simple fact is that capitalization of the SRFs will not be sufficient to meet the cost of existing water-quality mandates based on EPA estimates. The EPA’s most recent needs survey concludes that the known cost of meeting existing mandates under the Clean Water Act will be \$137.1 billion over the next twenty years. Combined sewer overflow projects alone will require \$41.2 billion during the same period.⁴⁹ So even if Congress and the states appropriate the full \$35 billion expected under the new Water Quality Act, it will still leave an unfunded water-quality mandate of more than \$102 billion (of which CSOs are the single largest component).

Thus, the act will not fundamentally resolve the problem of unfunded water-quality mandates. Consequently, unless key state governments plug the \$102 billion structural gap, many municipalities may receive no SRF assistance, or insubstantial amounts, for otherwise SRF-eligible projects simply because of inadequate federal funding. Massachusetts has made some effort to increase direct assistance during the last two fiscal years. In FY 1994, the state appropriated an additional \$30 million in direct grants to the Massachusetts Water Resource Authority (MWRA) for rate relief in the forty-three communities it serves. For FY 1995, the state approved an additional \$50 million, including \$10 million for non-MWRA ratepayers. These special appropriations have helped to slow the pace of rate increases in MWRA communities, but total state assistance is still minuscule compared with the \$7.7 billion in total documented needs — \$2.7 billion for CSOs — identified for Massachusetts by the EPA.⁵⁰

Not surprisingly, as this structural gap continues to unwind, elected officials are being pressured toward additional responses by a burgeoning ratepayers’ revolt. Various proposals for indirect tax relief have been proposed that aim to subsidize individual ratepayers in municipalities burdened by water-quality mandates. For example, in 1993 Massachusetts amended its SRF statute to allow municipalities with enterprise funds — a minority of the state’s towns and cities — to repay the capital costs of SRF loans with property tax revenue rather than sewer fees.⁵¹ This change covertly effects a federal subsidy through state legislation by making individual ratepayers eligible to use the property tax deduction on federal personal income taxes as a way of defraying the costs of sewer construction.

Significantly, however, such a change offers no relief to the vast majority of ratepayers, even in eligible communities, because most taxpayers do not itemize deductions on the federal income tax form. Similarly, Massachusetts senators Edward Kennedy and John Kerry have proposed federal tax legislation that allows individuals to deduct from

personal income taxes those portions of sewer and water bills which exceed one percent of adjusted gross income.⁵² This proposal suffers from the same problem as the state plan, unless it is somehow structured differently from the existing property tax deduction to allow the deduction without itemization. Hence, nothing on the existing legislative agenda offers much promise of substantial relief for municipalities or ratepayers. Indeed, at this point, it is not even clear whether Congress will reauthorize the Water Quality Act.

Assessing the Cost of Compliance

A national policy that ignores local economic and fiscal capacities may be reasonable when that policy includes a substantial effort to federally fund the mandate. In the past, the local economic and fiscal impact of federal water-quality mandates was mitigated by deep federal subsidies, particularly capital grants, that alter the cost-benefit equation from a local standpoint. Furthermore, previous mandates for primary or secondary treatment were far less costly than the available options for controlling combined sewer overflows. For most municipalities, CSO abatement costs many times more than the construction of secondary treatment facilities.⁵³ In this respect, the Water Quality Act of 1987 and the EPA CSO control strategy have imposed far more costly mandates than in the past during a period of declining federal assistance.

In this context, declining federal subsidies, uncertain state finances, a weak local tax base, and a weak local economy can drastically shift the cost-benefit equation for the construction of CSO facilities, particularly for declining and deindustrializing cities. However, until recently there has been little concern for the economic and financial calculations of municipalities to the extent that EPA regulations and court decisions have consistently enforced a water-quality standards approach to the CSO problem in the United States.

According to the EPA's own CSO benefit analysis guidelines, the water-quality standards approach "assumes that certain water-quality standards are associated with the protection of water uses . . . although the connection may not always be scientifically defensible."⁵⁴ Instead, biochemical water-quality standards establish regulatory guidelines as a surrogate measure of benefits, irrespective of whether any real marginal cost benefits are realized by a local community subject to those standards. Interestingly, EPA guidelines require communities to assess the comparative cost-benefit ratio of different CSO abatement options after the federal mandate has been imposed, but the statutory guidelines do not require an analysis of whether the mandate itself is economically and fiscally feasible for a particular municipality.

However, because it is unlikely that significantly increased federal funding will be forthcoming any time soon, it is necessary to establish criteria for allocating and targeting the limited resources available to those municipalities whose maximum water-quality improvement may occur with a minimum of economic and fiscal cost to municipalities. Such criteria would allow for flexible enforcement of the CSO control strategy along a continuum that would permit the postponement, delay, or extension of high-cost CSO projects that are unlikely to produce any significant beneficial use from the anticipated water-quality improvements. Such decisions would be greatly enhanced if federal-level environmental impact statements and state-level environmental impact reports were considered by regulators and judges in conjunction with an economic and fiscal impact statement.

The U.S. Environmental Protection Agency took a significant step in this direction in April 1994 in the final draft of its new combined sewer overflow control policy. It was released to clarify the enforcement standards and implementation of EPA's 1989 strategy. Although the new policy still requires municipalities to comply with technology-based and water-quality-based CSO standards "as soon as practicable," for the first time enforcement schedules are to be developed that consider financial feasibility for municipalities in addition to the long-standing criterion of physical feasibility, that is, technology-based standards. Thus, on publication of the new CSO control policy, EPA administrator Carol M. Browner noted that it "recognizes the site-specific nature of CSOs and their impacts and provides the necessary flexibility to tailor controls to local situations."⁵⁵

Nevertheless, the EPA's new regulatory guidelines apply only to the issuance of NPDES permits and to EPA administrative orders.⁵⁶ Federal courts, as in Fall River, are still not required to consider financial feasibility, and the federal court had until recently been unwilling to consider any criterion other than physical feasibility in the development of an implementation schedule. Hence, at this point the EPA's increasingly flexible enforcement of CSO mandates and the federal court's literal enforcement of the CSO mandate are creating two separate standards: a strict standard for municipalities where private environmental groups have filed suit in federal court and a flexible standard for all other municipalities. The next logical step toward resolving these conflicting standards would be to incorporate the EPA's new CSO control policy, particularly its references to financial feasibility, into the Water Quality Act. Furthermore, the requirement that an economic and fiscal impact statement be weighed in the development of any court-ordered enforcement schedule would at least introduce additional considerations into judicial proceedings that would both encourage and allow greater flexibility in deciding the speed and the extent to which the CSO mandate should be implemented in particular municipalities. ♣

Notes

1. U.S. Environmental Protection Agency (henceforth, EPA), *1992 Needs Survey: Report to Congress* (Washington, D.C.: Office of Water, 1993), 2.
2. Larry Morandi, *Wastewater Permitting and Finance: New Issues in Water Quality Protection* 17, no. 8 (Denver: National Conference of State Legislatures, 1992).
3. EPA, *Assessment of Needed Publicly Owned Wastewater Treatment Facilities in the United States: 1984 Needs Survey Report to Congress* (Washington, D.C.: Office of Municipal Pollution Control, 1985).
4. The resuspension of dry-weather sediments is an inherent characteristic of combined sewers because they are sized for a wide range of flow rates and are therefore not designed to maintain a self-cleansing velocity during low-flow dry-weather periods.
5. A leading national study detected forty-six priority toxic pollutants in CSO discharges throughout the United States. Zinc, nickel, lead, copper, and chromium were the toxic elements present in the highest average concentrations; trichloroethene, methylene-chloride, tetrachloroethene, 1,1,1-trichloroethane, and toluene were the organic pollutants detected in the highest average concentration. E-coli bacteria are routinely encountered in CSO discharges; see Michael A. Crawford and Charles Goodwin, *Combined Sewer Overflow Toxic Pollutant Study* (Washington, D.C.: EPA, Effluent Guidelines Division, 1984). Also see V. P. Olivieri, C. W. Kruse, and K. Kawata, *Microorganisms in Urban Stormwater* (Cincinnati: EPA, Environmental Research Information Center, 1977); EPA, *Urban Stormwater and Combined Sewer Overflow*

- Impact on Receiving Waters* (Cincinnati: Municipal Environmental Research Laboratory, 1979); EPA, *Fate and Effects of Particulates Discharged by Combined Sewers and Storm Drains* (Cincinnati: Environmental Research Information Center, 1980).
6. EPA, "Effluent Guidelines and Standards," 40 *Code of Federal Regulations*, Parts 401-460, for individual point-source-category permitting regulations.
7. *Ibid.*, Part 133.
8. EPA, *Report to Congress on Control of Combined Sewer Overflows in the United States* (Washington, D.C.: Office of Water Program Operations, 1978).
9. Morandi, *Wastewater Permitting*, 1.
10. Water Quality Act of 1987, 33 U.S.C. 1251 et seq., P.L. 100-4, *United States Statutes at Large*, vol. 101.
11. The policy states, "CSO point sources currently discharging without a permit are unlawful and must be permitted or eliminated"; see 54 *Federal Register*, 37370.
12. John C. Hall, Christopher L. Rissetto, and Joseph M. Santarella, Jr., "Control Strategies for Combined Sewer Overflow," *Journal of the Water Pollution Control Federation* 61 (August 1989): 1409-1413; Catherine A. Simpson, "EPA Issues CSO Control Plan," *Pollution Engineering*, February 1, 1993, 24.
13. Municipalities that violate NPDES permits are potentially liable for civil penalties of up to \$25,000 per day for each violation. The EPA is also authorized to impose administrative penalties of up to \$125,000.
14. Morandi, *Wastewater Permitting*, 3.
15. Thomas E. Walton and Virginia R. Hathaway, *Benefit Analysis for Combined Sewer Overflow Control* (Cincinnati: EPA, Environmental Research Information Center, 1979), 6-7.
16. R. Wycoff, J. Scholl, and S. Kissoon, *1978 Needs Survey: Cost Methodology for Control of Combined Sewer Overflow and Stormwater Discharge* (Washington, D.C.: EPA, 1979).
17. Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251, et seq., P.L. 92-500, *United States Statutes at Large*, vol. 86; Clean Water Act of 1977, 33 U.S.C. 1251 et seq., P.L. 95-217, *United States Statutes at Large*, vol. 91.
18. EPA, "Program Requirements Memorandum," No. PRM 75-34 (1976); EPA, "Program Requirements Memorandum," No. PRM 77-4 (1976).
19. EPA, *Report to Congress on Control of Combined Sewer Overflows*, ES-3.
20. *Ibid.*, ES-1.
21. It should be noted that CSO facilities affecting marine bays and estuaries account for about 40 percent of the total assessed dollar needs attached to CSO correction and about 38 percent of the total population served by combined sewers; EPA, *1984 Needs Survey Report to Congress*, 15.
22. The 1981 amendments do allow up to 10 percent of each state's regular CGP allotment to be advanced to potential grant applicants to cover the costs of facility planning or the preparation of plans, specifications, and estimates.
23. Municipal Wastewater Treatment Construction Grant Amendments of 1981, 33 U.S.C. 1251 et seq., P.L. 97-117, *United States Statutes at Large*, vol. 95.
24. Walton and Hathaway, *Benefit Analysis for Combined Sewer Overflow Control*, 31.
25. Patrick MacAuley and Renée Mathieu, "Federal Construction-Related Expenditures, 1980 to 1988," *Construction Review*, March/April 1987, 2-18.
26. *Ibid.*, 3, 13.
27. EPA, *Cost Estimates for Control of Combined Sewer Discharge to Marine Bays and Estuaries: Addendum to 1982 Needs Survey* (Washington, D.C.: Office of Water Programs Operations, 1983).
28. National Governors Association, *Fiscal Survey of the States*, Washington, D.C., April 1992, vii-viii.
29. Corina L. Eckl, Anthony M. Hutchinson, and Ronald K. Snell, *State Budget and Tax Actions, 1992: Preliminary Report* (Denver: National Conference of State Legislatures, 1992).
30. "CSO Problems Prompt Cities to Organize," *Public Works*, March 1990, 107-109.
31. Maguire Group, Inc., *City of Fall River CSO Phase II Facilities Plan: Final CSO Facilities Plan*, 3 vols. (Boston, 1992), vol. 3, 1-2-3.

32. Ibid., II-16.
33. Ibid., I-1.
34. Ibid., II-16-20.
35. Ibid., ii.
36. Commonwealth of Massachusetts, *Combined Sewer Overflow Strategy* (Boston: Department of Environmental Protection, Bureau of Resource Protection, 1990), identifies twenty-six communities and sewer districts, including Fall River, with combined sewer overflow problems. These communities and districts serve a population of almost 2 million residents or roughly one-third of the state's total population.
37. United States District Court, District of Massachusetts, "Order." *Conservation Law Foundation of New England, Inc. vs. City of Fall River*, Civil Action No. 87-3067-Z (March 11, 1992).
38. Ibid., 1.
39. All data in this section are from the Massachusetts Department of Employment and Training, ES-202 Files, and the Massachusetts Department of Revenue Municipal Data Bank.
40. Massachusetts Taxpayers Foundation, *State Budget Trends: An Analysis of the Governor's Fiscal 1992 Budget* (Boston, 1991); Joseph S. Slavet, Raymond G. Torto, Edmund Beard, and Louis C. DiNatale, *After the Miracle: A History and Analysis of the Massachusetts Fiscal Crisis* (Boston: John W. McCormack Institute of Public Affairs, 1990); Joseph S. Slavet and Raymond G. Torto, *After the Honeymoon: Conjugal Bliss or Fiscal Chaos?* (Boston: John W. McCormack Institute of Public Affairs, 1991).
41. Commonwealth of Massachusetts, *Quality and Commitment: Senate Committee on Ways and Means FY 1993 Budget; Volume One: Analysis and Narratives* (Boston, 1993); Joseph S. Slavet and Joseph R. Barresi, *Fiscal Smell Tests: A Mid-Term Reality Check of Massachusetts Finances* (Boston: John W. McCormack Institute of Public Affairs, 1993).
42. Steve Wordelman, "CSO Regulations' Impact on Municipalities," *Public Works*, October 1991, 53-54; "CSO Problems Prompt Cities to Organize."
43. EPA, *1992 Needs Survey*, A-2.
44. Commonwealth of Massachusetts, *Finance Plan* (Boston: Massachusetts Water Pollution Abatement Trust, 1993).
45. Projects placed on the state's priority list before 1989 are still eligible for 75 percent grant equivalency awards under the Massachusetts Water Pollution Abatement Trust Commonwealth Fund.
46. Commonwealth of Massachusetts, *Laws Relating to Municipal Finance and Taxation*, Department of Revenue, Division of Local Services, Municipal Bulletin No. 30 (St. Paul: West Publishing, 1993).
47. Fall River Regional Task Force, *A Fall River Public Schools Building Needs Update: "The Ganbatte Report"* (Fall River, Mass., 1991); City of Fall River, "1993 Ready-to-Go Community Development Block Grant Projects," submitted to the U.S. Conference of Mayors, 1993.
48. "Water Quality Act," H.R. 3948. The Water Quality Act of 1994 was still pending as this article was being written. Thus, the analysis is based on advanced drafts of the bill, available since March of 1994, and on conversations with congressional staff.
49. EPA, *1992 Needs Survey*, 2.
50. Peter J. Howe, "\$15.3b Budget Gets Initial Senate OK with Sewer Rate Aid," *Boston Globe*, June 22, 1993, 18; EPA, *1992 Needs Survey*, A-2.
51. Peter J. Howe, "Water-Rate Relief Plans Flow on Beacon Hill: Senate Budget to Offer Tax Deduction Idea," *Boston Globe*, June 16, 1993, 30.
52. Scott Allen, "Kennedy, Kerry Say Boston May Get \$100m for Harbor Cleanup," *Boston Globe*, June 22, 1993, 10; Elizabeth Neuffer, "Clean-Water Mandate Confounds U.S. Customers," *Boston Globe*, June 22, 1993, 1, 10.
53. Clyde Wilber, "CSOs: Water-Quality-based Controls," *Water Environment & Technology*, July 1991, 80.
54. Walton and Hathaway, *Benefit Analysis for Combined Sewer Overflow Control*, 39-40.
55. EPA, "Combined Sewer Overflow (CSO) Control Policy," 40 *Code of Federal Regulations*, part 122, April 1994.

56. The flexibility established by the EPA's new CSO Control Policy will be incorporated into the Water Quality Act of 1994 by extending the attainment of water quality standards to "not later than December 31, 2009." However, the expected language does not apply this extension to any municipality where a federal court order or consent decree has established an earlier compliance deadline.

UMass Chooses a Political Executive

The Politics of a Presidential Search

Richard A. Hogarty

Horace Mann, the father of American public education, had served as president of the Massachusetts Senate prior to becoming the state's first secretary of education. Since then, as reformers succeeded in removing politics from the sacred groves of academe, appointing a politician to head the state's educational system fell into disfavor. Relatively recently, however, there have been two abortive attempts by politicians to reach the executive pinnacle of public higher education. Both James Collins, in 1986, and David Bartley, in 1991, were defeated in the quest to achieve this goal. Historical understanding of these battles is necessary to comprehend what followed. In 1995 William Bulger, another well-known politician, sought the presidency of the state university. This article focuses on the fierce controversy surrounding his appointment. Most faculty believed that only career academics were qualified to run the institution. Others felt that while the next president should be someone who cherished and respected scholarship, such a person need not necessarily be a scholar. These conflicting propositions were severely tested during the battle that ensued. The episode reveals the alliances, hostilities, and intrigues that thrive in Massachusetts school politics.

There is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things.

— Niccolò Machiavelli
The Prince

A Stormy Changing of the Guard

This is a study of political power in academic life. By the term "power" I do not mean something derogatory or petty, but rather something comprehensive involving all that people can do or draw upon to influence others to take desired actions on matters of public policy. The purpose of this article is to focus explicitly on the search for a new president of the University of Massachusetts that took place in the fall of 1995. After much public wrangling and controversy, its twenty-three trustees chose William M. Bulger, the president of the Massachusetts Senate, to fill the position. Urbane and erudite, he was a man of power and influence who personified the Boston Irish. A dedicated and unrelenting professional politician, Bulger was perceived as a nonacademic and a native son who was not likely to leave the state. As Massachusetts's foremost

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Chronology, 1990–1995

This is not a complete chronology but a list of dates relevant to the events reported in the article.

1990

- February 20 University of Massachusetts trustees appoint Joseph Duffey president to succeed David Knapp.
March 16 David Knapp officially retires.

1991

- March 1 Joseph Duffey accepts presidency of American University. June 5
Elbert K. Fretwell is appointed interim UMass president.

1992

- May 27 Michael K. Hooker is appointed UMass president.

1995

- May 11 Michael Hooker is reportedly in line for chancellorship at the University of North Carolina.
May 15 Trustees map presidential search strategy.
May 17 Trustee Peter Lewenberg meets with Governor William Weld to discuss upcoming search.
May 19 Michael Hooker accepts chancellorship at the University of North Carolina. Sherry Penney is appointed interim UMass president.
June 7 Board chairman Daniel Taylor appoints presidential search committee.
July 12 Search committee holds organization meeting.
September Search committee makes campus visits to discuss the search. Lewenberg interviews campus chancellors.
October 20 Search committee narrows applicant pool from sixty-six to fourteen candidates.
October 27 *Boston Globe* files lawsuit to open search process.
October 30 Search committee winnows candidate pool to seven semifinalists.
November 7-18 Two semifinalists drop out of search.
November 20 Search committee unanimously recommends three finalists to board of trustees.
November 28 Trustees appoint William Bulger UMass president.

Democrat on Beacon Hill, he was shrewdly attuned to its politics and political culture, which was of great significance in his selection.

To be sure, Bulger's nomination to the post touched off an intense and protracted struggle. Activists, from a variety of positions and perspectives, made a concerted effort to influence the outcome of the search, which seemed like a foregone conclusion. Most of the central actors favored Bulger as the candidate best suited for the job. Much impressed by him, the trustees firmly believed that his strong character, knowledge of the state, intellect, and passion outweighed other concerns, including his lack of experience in higher education. They also believed that changing conditions in the commonwealth demanded someone with a different background and different skills from those normally possessed by career academics. What was critical, of course, as far as Bulger's prospects were concerned, were the commitment of the trustees and the governor.

While most faculty endorsed the trustees' calculated decision, several expressed serious reservations about putting an old-style politician in charge of the public university system. The idea thoroughly alarmed them and evoked the expected outcry. This opposition manifested itself most notably on the Boston campus and in varying

degrees of intensity. Some politely questioned Bulger's appointment as a dubious proposition. Others vigorously objected on the grounds that it was politically intrusive and inappropriate. Still others ridiculed it as sheer folly. Appalled by the choice, they expressed their distaste for what they considered a *fait accompli*. In more ways than one, the Bulger option was anathema to them.

The media also expressed some caution, not so much about Bulger's lack of academic status but rather more about whether he could unlock the state treasury and make increased funding a reality. Other intervening elites viewed the controversy as symptomatic of a troubled university. Meanwhile, all this took place in a highly charged political atmosphere and the turbulence of a succession fight in the state Senate. In the end, however, the old-fashioned politics of personal power held sway. The twenty-member search committee unanimously recommended Bulger, a choice approved by every trustee except one. The motivation and interplay of forces behind his selection are developments worth examining. The story of this adventure, with all its palace intrigue and surreptitious maneuvering, deserves to be better known.¹

What is expected of a University of Massachusetts president? Ask the men and women who have recently held the office, which I have had the privilege of doing, and different answers come forth. In their view, they believe that university decisions are always collective — and have to be. Sheer size has something to do with it. Since the merger of its three-campus system with two other public universities in 1991, the UMass academic enterprise includes campuses at Amherst, Boston, Dartmouth, Lowell, and the Medical Center at Worcester. These five campuses enroll some 58,270 students, including 13,000 graduate students. The university employs 3,300 faculty members. In addition, there are 180,200 alumni living in Massachusetts and another 90,900 elsewhere.

Given the size and magnitude of the state university, the former presidents believe that a chief executive has to discover, rather than be told, how to effect change: by figuring out the five-campus system as a whole and by finding one's own personal style as an administrator. They see a university administration as a collection of individuals who have useful talents rather than as an arrangement of formal categories; as a team of effectively cooperating personalities rather than a group with sharply delineated functions. The basic challenge is whether the individual campuses will continue to operate with relative autonomy or adhere to a more centralized system.

Presidents perform at least three major roles in the operation of a public university. First and foremost, they are academic leaders who must struggle with the tensions between its teaching, research, and service responsibilities, between its moral and scientific functions, and between its personal and intellectual luminaries. This places tremendous demands on them — on their understanding of people and goals, on their patience, and on their ability to orchestrate highly discordant elements. Second, they are business managers who have to run a multimillion-dollar enterprise. In budget and management terms, this means agonizing over the difficult decisions that have to be made to keep the institution operating on a sound financial basis. Third, they are politicians who spend much of their time raising funds, lobbying state legislators, meeting with faculty, students, and alumni, and otherwise building a statewide constituency. Of the three, the academic leadership role is by far the most critical. A president can be active or passive in the roles of business manager and politician and still survive, but one who mishandles the academic leadership role is almost doomed to failure. A vice president for academic affairs can render valuable staff support, but the buck ultimately stops with the chief executive.

Day in and day out, the modern UMass president remains the chief initiator of policy and the mainspring of its governing system. He or she shapes the action. The tempo of presidential initiative varies with the disposition of the incumbent. Ever since Robert Wood was named to head the newly created three-campus system in 1970, the president's office has been the departure point for deciding the magnitude of budgetary resources devoted to each of its campuses and the priorities among those campuses. To succeed in the job, a president must be able to communicate effectively with the citizens of the commonwealth and to get along well with its political leaders. According to Wood, who was at the helm from 1970 until 1977, "No university president has ever had the commitment of a governor, and the future of the university has always depended on the legislature."²

The Clash of Two Cultures

A portrait of the university as a cohesive community of faculty scholars living the genteel life of the revered college professor is far too simplistic to capture the reality of academic life. It is far more complex than this portrait suggests. Most faculty members are intensely committed to a demanding career of teaching, research, and publishing, but they live quite apart from the activism and the rough-and-tumble of the political arena in Massachusetts. The two professional groups represent different cultures with much different value systems. Indeed, a wide disparity of values separates them. The contentious nature of politics underscores the tensions between the active and the contemplative life.

The academic culture is characterized by a commitment to the pursuit of knowledge for its own sake or in a manner fundamentally unconcerned with practical application. Sheer intellectual curiosity drives the research endeavor, a characteristic that is especially alien to the quid pro quo and the pragmatism of Beacon Hill. Universities are the neutral ground where open debate and all points of view are welcome. Their primary mission is the discovery and dissemination of knowledge. As Gerhard Casper, president of Stanford University, has suggested, "In the best universities, teaching, learning, and research are all equally important elements of the all-embracing search to know."³

By contrast, the political culture is steeped in partisan politics, party discipline, and patronage. Ambitious politicians submit to leadership and discipline in anticipation of future rewards, working at solving real problems with the expectation of achieving political gain and partisan advantage. A politician is, above all, a person whose career depends on the successful negotiation of bargains. When confronted with conflicting demands, he or she helps to maintain a viable society by the process of mutual concessions. Political bargaining and compromise lie at the heart of the political process. The will to conquer and to make a difference also comes into play. As Robert Dahl and Charles Lindblom pointed out,

The role calls for actions such as compromise, renunciation, face-saving of oneself, which are morally ambiguous or even downright immoral to people with morally rigorous standards. Yet without the work of the politician a bargaining society would fly into its myriad separate warring parts.⁴

The distinctions between the two cultures are striking. The pragmatic creed of Beacon Hill differs remarkably from the objectivity prized by the rationalist academy.

The two cultures represent different professional callings that attract different personalities. Taking note of these distinctions, Robert Wood writes,

The personalities attracted to serious research are not typically endowed with the extroverted bonhomie of the successful politician . . . Qualities of empathy, gregariousness, warmth, and charm do not figure (at least formally) in evaluations for promotion or tenure. The typical academic is preoccupied with work and pursues avocations of an individualistic, not a team nature. Egos are strong, but they are more likely to express themselves in the satisfaction of objective research accomplishments than in affiliating with or manipulating others.⁵

Like many citizens in the Bay State, the faculty have become increasingly distrustful and cynical of the political realm. Given this deeply ingrained skepticism, it is not surprising that they are antagonistic toward politicians. Such hostility does little to encourage real links with real political actors within the system. Whenever academic interests collide with political interests, there is almost bound to be conflict. Only grudgingly and under pressure does the academy work out a piecemeal accommodation with the established order.

Russell Jacoby, a history professor at the University of California at Los Angeles, describes the American professorate as politicized, yet apolitical. Purely cerebral faculty members often know almost nothing beyond their own department, and they may be confined to a particular niche within it. Although most of them would never openly acknowledge it, and however much collectively they deny it, the granting of tenure is essentially a political act. Academic politics is often more sophisticated and played more subtly than real-world politics, but it is every bit as cunning and devious, if not more so. The late Wallace Sayre, a political science professor at Columbia University, was fond of saying, "The reason academic politics is so sordid is that the stakes are so low."

Purists will object to this conclusion, but it has a ring of truth about it that disarms the most sensible and responsible critic. Let me avoid any misunderstanding; I'm not attacking the faculty; each of us has unique strengths, and the university needs us all. But I do wish to sharpen our perception of the other culture.

Lessons from the Past

Unlike other regions of the country, New England has never been overly generous to its public institutions, assuming that much of the burden for higher education would be assumed by the private sector. Public ambivalence and competition from elite private colleges have inhibited the growth and development of the public sector. The history of academia is one long struggle between scholars, who want to govern themselves, and the outside world, which wants to hold them accountable. Massachusetts is among the states in the nation notorious for political interference in public higher education. School politics is played with much greater intensity than in other states. A *Boston Globe* editorial said it most succinctly: "Taking politics out of the Massachusetts public university system is like taking the coals out of Newcastle: A total scrubbing is probably futile."⁶ To explain why this is so, it is necessary to go back a bit.

From the genesis and infancy of public education, the lawmakers on Beacon Hill have always taken a proprietary attitude toward the state's public colleges and universi-

ties, speaking and acting as if they own them. This attitude and political behavior harkens back to the time when Horace Mann's oratory sparked the creation of the teaching "academies" before the Civil War and the Morrill Act of 1862 made Mass Aggie possible.

Because public colleges and universities are creatures of the state, they are accountable to the general public and its elected representatives. Their boards of trustees are appointed by governors on the recommendation of civic advisory boards. The budgets and programs of public institutions must not only be approved by the lay boards of trustees but by the governor and the General Court as well. Only the public sector is directly responsible to the public for its performance, assuring that its campuses serve the public good. These characteristics thus make the public higher education system susceptible to political control and manipulation.

The lesson that drove home the point was the major battle that erupted in 1986, when the state Board of Regents ignored the recommendations of its search committee and appointed James Collins, a state legislator and a nonacademic, as its chancellor. In response to these challenges, Governor Michael Dukakis, who felt that the integrity of the search process had been compromised, took a series of actions, firing the chairman of the Board of Regents, packing the board with three new members, removing Collins from office, and replacing him with Franklyn Jennifer, a black educator from New Jersey. It was a classic power struggle in which Collins was disparaged as a hack politician.⁷

A second major battle erupted in 1991 when former Speaker David Bartley sought the UMass presidency. The scenario followed almost the exact same script as the Collins affair. In fact, the similarity between Collins and Bartley as Irish-American politicians who hailed from the western part of the state was striking. In what turned out to be a bitterly fought contest, Bartley, who was then president of Holyoke Community College, was denied the job. Instead, the trustees appointed Elbert K. Fretwell, a career academic, as interim president.⁸ More than the personal hostility and bitterness that typically develops in these searches was involved. The refrain "hack politician" was the same as before. To be sure, Bartley was savaged by his adversaries. Four years later, having adduced one lesson from the experience, Bartley poignantly remarked, "I say, with humor, that if Bill Bulger becomes the savior of UMass, then I want to be known as John the Baptist because I got beheaded for it."⁹

A special irony lay in the defeat of Bartley at the hands of the palace guard. State legislators did not take kindly to the way in which their former colleagues had been mistreated. Bulger himself felt that an unfair standard is set for legislators. In his words, "We should not be disqualified for having served there."¹⁰ Anyone who watched these dramatic events unfold could have foreseen that the two great laws of timing and momentum were moving in the direction of a political executive. In hindsight, the Collins and Bartley skirmishes were only warm-ups for the main bout, setting the stage for the events that followed. Although it took a decade for the academic community to catch up with this thinking, the handwriting was on the wall.

In the aftermath of these two bruising battles, another important shift in the political winds would occur. Public higher education in Massachusetts and across America encountered a more hostile environment when protracted economic hard times began in the late 1980s and continued through the early 1990s. Indeed, the public mood had turned angry and sour. In April 1994, the Pew Higher Education Roundtable released a report about the realities of American higher education. Highlighted in the report was a

sentence that read, "The real anger at higher education comes principally from the makers and shapers of public policy — governors, legislators, regulators, heads of public agencies, and surprisingly, an increasing number from the world of private philanthropy."¹¹ With the faltering of the national economy and the collapse of the Massachusetts Miracle, this anger and the deterioration of the academic environment manifested itself in the Bay State.

The Leadership Roller Coaster

In the late 1980s and early 1990s the University of Massachusetts went on a roller-coaster ride of executive leadership. Between 1990 and 1995 it saw five presidents come and go without much to show for it by way of improvement; in fact, little change occurred. With the notable exception of David Knapp, who was at the helm from 1978 to 1990, most of these CEOs lasted only a year or so. This menagerie of short-timers included Joseph Duffey, Elbert K. Fretwell, Michael Hooker, and Sherry Penney. Starved for resources, the university, on their watches, floundered on the shoals of fiscal instability. Budget-tightening exercises so preoccupied their administrations that they overlooked long-range planning and resorted to deferred maintenance of campus buildings that fell into disrepair. Some presidents were ineffectual and unable to get the job done on Beacon Hill. A clue to the answer lies in the sober words of Jerome Mileur, professor of political science at Amherst, who commented: "The folkways of Massachusetts politics have caused previous presidents of UMass to stumble and sometimes to fall."¹²

As the economy went from boom to bust, the system CEOs had tough sledding in hard times. State appropriations for UMass dropped from \$352 million in 1988 to \$271 million in 1992 as the recession took its toll. The situation was alarming, adjustment painful. Faculty and staff, who received no salary increases for three years running, at one point were furloughed without pay for a brief time. Working under the pressure of recurring deficits, antitax pressures, and the rising costs of higher education, the presidents faced a series of reversals, creating a deepening sense of a missed opportunity. Four did not stay very long. Both Fretwell and Penney had been appointed as interim presidents, and as such were given short-term limits. Both Duffey and Hooker proved to be birds of passage, moving on to greener pastures whenever the first opportunity presented itself. Some would say they opted for better jobs. Duffey had previously served as chancellor at Amherst for eight years, from 1982 to 1990.

On balance these five presidents believed that given the pressures under which they worked and the limitations of the office, their personal performances were at least the best that could be expected, and in Knapp's case exceeded justifiable expectations. State appropriations at UMass, adjusted for inflation, had fallen 26 percent over the past sixteen years, compared with a national average of 11 percent.¹³ Cutbacks in state funding threatened the institution's well-being and compelled severe curtailment of academic programs. At the flagship campus in Amherst, combined verbal and math SAT scores for the entering class had declined from 1,050 in 1989 to a new low of 994 in 1994. Meanwhile the tuition had increased sharply, from \$2,000 in 1988 to \$5,500 in 1995. With fees, room, and board, the cost was \$9,702 for state residents and \$16,048 for out-of-staters, making it one of the most expensive state universities in the country. The aging buildings on the five campuses were in deplorable shape, needing almost a billion dollars' worth of repairs. One professor took up a collection to replace the broken elec-

tric clock in his classroom. In January 1995, Charles Baker, the secretary of administration and finance, wrote a letter to President Hooker in which he indicated that UMass faculty were overpaid and underworked. To make matters worse, Governor William Weld vetoed a \$10 million increase in the state's higher education budget, but his veto was subsequently overridden by the legislature.

Instability at the top, along with low faculty morale, were part of the overall problem. These forces combined to make the forging of presidential policy a hard job. It is one on which the outside world has imposed more and more pressures; internal resources have dwindled steadily, and reinforcement and private support seem to be urgently needed. Massachusetts ranked thirty-eighth among the fifty United States in per capita state taxes appropriated for public higher education.

The Hooker Disaster

Anytime something goes wrong in the system, the tendency is to blame it on the president, which is essentially what happened to Michael Hooker. The West Virginia native did not find a receptive political culture in Massachusetts. Recruited to the University of Massachusetts in 1992, he came highly touted both for his administrative experience and for his professional achievement — he had served as president of Vermont's Bennington College and the University of Maryland at Baltimore. The trustees, who were naturally attracted to this cultivated figure, praised their choice.¹⁴ But for all his repute as an academic leader, Hooker's ideas and recommendations tended to be unpopular.

It must be remembered that Hooker had never headed a multicampus system. While he was being courted for the UMass position, he assured the trustees that he would stay for a minimum of ten years, turning the institution into one of the best and most responsive public universities in the country. However reassuring he may have been, the truth is that the bloom was off the executive rose in less than three years. In evaluating his performance, Ian Menzies, a respected journalist, wrote:

Michael Hooker was a near disaster in terms of raising the quality and image of the five-campus system. A not unintelligent man, though outwardly stiff and seemingly humorless, Hooker never surfaced in Massachusetts, either with the legislature or the public. Faculty reaction was ho-hum. He lacked style, did not mix easily, seemed uncomfortable with others and had no idea how to deal with the media or speak successfully on behalf of the 60,000 students and 12,000 faculty and staff. Perhaps the one remark the public will recall, a virtually meaningless comment, was the grade he gave the university — a "C[+]." How can you grade an entire university? Oh, and some may recall him pledging to stay 10 years to make UMass a world-class university.¹⁵

Menzies's judgment is harsh, but it was widely accepted. Although Hooker succeeded in Vermont and Maryland, he clearly fell flat on his face in Massachusetts. The faculty did not share the enthusiasm that the trustees showed for him, discouraged in part no doubt by the lack of salary increases. To students, Hooker was distant, arrogant, and difficult to connect with, and he did not get along well with state legislators, who also found him pompous and arrogant. One example will suffice to illustrate his political ineptitude. Prior to a scheduled meeting, Thomas Finneran, then chairman of the House Ways and Means Committee, had instructed Hooker not to bring along his entourage. But Hooker ignored the advice and brought his staff, which earned him only the contempt of the future Speaker.

Worse than that, Hooker had seriously alienated the faculty who were outraged by the report card he had issued. They saw this action as a major public relations blunder, precipitating his inevitable downfall. Cynics felt that he had assigned a grade of C+ so that he could later change it to make his administration look good. The president's personal credibility suffered accordingly. The Amherst faculty complained about his over-centralizing power and his not doing enough to promote intercampus collaboration. They derisively referred to his staff as the Baltimore Dolts in employing a slash-and-burn strategy against the president. As one participant recalled, "Hooker was demonized by the campuses as a bad guy."¹⁶

On May 19, 1995, Hooker, not surprisingly, decided to leave UMass to accept the chancellorship of his alma mater, the University of North Carolina at Chapel Hill. Before leaving, he acknowledged that he had underestimated the difficulty of convincing Massachusetts citizens and their elected officials about the importance of public education. His hasty departure, coming just three months after he had initiated a broad review of instructional programs, was a major embarrassment. Rumors had been circulating for months that he was a candidate for president at various other institutions. Critics viewed him as an "opportunist" and "little more than a carpetbagger."¹⁷ Ralph Whitehead, professor of journalism at Amherst, remarked, "My sense is that Michael Hooker won't leave that many footprints. He always behaved like a short-timer." John Bracey, secretary of the Amherst Faculty Senate, wanted to eliminate the president's office, saying, "We can use this as an opportunity to assess whether we really need a president's office and whether we've gotten our money's worth."¹⁸

Under the circumstances, the trustees were shocked and dismayed by what was happening. They were also angry because they had learned from newspaper reporters, not from Hooker himself, that he was a finalist for the North Carolina position. Board chairman Daniel Taylor was the most disappointed trustee, because he had invested so much faith and confidence in Hooker.¹⁹ It was *déjà vu* for some trustees, who still winced recalling how Joseph Duffey suddenly jumped ship in 1991 to accept the presidency of American University in Washington — not a gracious exit either. Burned once was bad enough; burned a second time was more than some trustees could countenance. They had become disenchanted with career academics who breezed in and out of a revolving president's door. Both Fretwell and Hooker were perceived as not having "standing" with either the legislature or the business community.

All of which meant that the trustees were skeptical of the academic model. Now most of them were receptive to embracing a feasible alternative model such as a "good manager" or a corporate executive. In discussing a strategy for the upcoming search at their meeting on May 15, the trustees argued about how inclusive the process should be, with vice chairman Robert Karam suggesting that by including all constituencies, "We run into a problem of time and control."²⁰ He wanted to restrict the search process to the trustees alone, which elicited strenuous arguing because some of the trustees felt that it would undermine the effectiveness of any candidate selected. For the moment, however, this issue remained unresolved.

On May 19, the very day Hooker departed for North Carolina, the trustees appointed Sherry Penney as interim president. Having served as chancellor of the Boston campus since 1988, she was the most senior academic administrator within the system. However, the trustees stipulated that she could not be a candidate for the permanent job; by accepting this constraint, she took herself out of consideration.²¹ During her brief eight months in office, Penney successfully negotiated the faculty contract and got the bond bill to repair the physical plant passed.

The Complexities of Searching for a System Head

A review of the complexities of a presidential search seems in order. Recruiting such a person is a lot more involved than recruiting a campus chief executive or provost. Attracting someone with the necessary leadership ability and experience is a daunting task. For one thing, the talent pool is relatively small, and the growing intrigue of the job discourages most academics from applying. In another sense, it is a major leap to go from being a campus provost to a system head. Keeping such a person in the post for any appreciable length of time is even more problematic. Conventional wisdom these days indicates that the average tenure of a public university president is about five years.

Writing in the September 1995 *Chronicle of Higher Education*, Courtney Leatherman reported that three major public universities — California, North Carolina, and Washington — had experienced difficulty in attracting a qualified person to head their systems. For one reason or another their presidential searches had been botched. Leatherman went on to say

Many watchers of the presidency believe that tough searches at public institutions now represent the rule, rather than the exception, because the jobs are so complicated, the climate so political, and the scrutiny so public. But a few others believe that botched searches have become the rule because most public colleges refuse to change the way they look for presidents.²²

Tradition has always played an important role. In the past, most colleges and universities, both public and private, have tended to select administrators with good faculty backgrounds: men and women experienced in the teaching-learning process and primarily concerned with that, but willing to devote a certain portion of their professional lives to manning top administrative posts and able to do so effectively. Most faculty consider the recruitment of a president the exclusive domain of the academy.

One long-standing myth in American academic folklore is that unless an institution spends from nine to ten months engaged in a nationwide search, the search is somehow not legitimate. By contrast, private enterprise takes much less time to find a chief executive. Add to this the scholar's natural dislike for administrative work, and the recruitment problem becomes even more complicated. As Sherry Penney describes it: "Gone are the days when you took . . . faculty [members] who had written ten books and made them president. What is needed is a miracle worker. What's needed in a college president nowadays is growing and changing all the time. You need a variety of skills."²³

Another complicating factor is the open meeting law in Massachusetts. This statute assures the general public the right to know what is going on. In reality, it means that the media are allowed to attend the meetings of the search committee and to print the names of the semifinalists in the applicant pool. These constraints apply only to public institutions; private universities are exempt from the requirements of the statute.

The Search Process

On June 7, 1995, Daniel Taylor appointed a presidential search committee to identify the most qualified candidates and to recommend three of them to the board. This committee consisted of fourteen trustees, including two students. Taylor named trustee Peter

Lewenberg, a prominent Framingham businessman and an ardent UMass Amherst alumnus, as chair. Originally, the board informed the faculty governing bodies that it intended to appoint only one faculty member to the search committee. Disturbed by this announcement, faculty leaders from the five campuses got together as an intercampus committee to file a formal protest. They met with Lewenberg in Worcester on the evening of June 19 to discuss the matter and to plead their case for increased representation. At one point they threatened to withdraw their participation unless more faculty were added, arguing that such a boycott would deprive the search of a "system voice," and therefore lack a certain authenticity from the start.²⁴

As a result of their protests, Lewenberg recommended to Taylor that he appoint five faculty members, one from each campus, and one alumni member, a move that gave faculty 20 percent of the vote on the search committee. The board, which controlled the search committee, reserved the right to select the faculty from a list of names submitted by their respective campus governing bodies. When fully constituted, there were four women and two minorities on the committee.

In a manner similar to most corporate executives, Lewenberg gave almost single-minded attention to the task. With a businessman's perspective and an assignment affecting the entire university, he made sure that an able deputy managed the internal affairs of the search committee, which set up its own office at 10 Tremont Street, separate from the president's office and from any of the five campuses. Elizabeth Farrell served as its executive assistant, while Joyce Kirby acted as its legal counsel.

At its first organizational meeting on July 12, the search committee was divided into three working groups and assigned specific tasks: (1) selecting a search firm; (2) drafting a position profile; and (3) drawing up a compensation package. These subcommittees were chaired, respectively, by trustees Myra Kraft, Robert Karam, and John Naughton.

Because they recognized early on that the talent pool of academic system heads would be small, they took great pains to establish search procedures that went by the book. During the month of September they visited each campus and solicited campus views on the search. Lewenberg himself took responsibility for conducting interviews with each of the five campus chancellors. He also consulted with Judith McLaughlin, a lecturer at Harvard University who specializes in the study of presidential searches. Over and beyond this, the search committee advertised the position in the standard professional journals and newspapers, especially those which reach out to women and minorities. For his part, Lewenberg wanted to err on the side of inclusion rather than exclusion. He was ready to move.

The search committee hired A. T. Kearney Education Practice of Alexandria, Virginia, one of the nation's leading search firms. Of the several criteria the committee established for selecting candidates, the primary ones were (1) the capacity for strong institutional leadership; (2) a strong commitment to the ideals of the academy; (3) effective managerial and communication skills; and (4) the ability to represent forcefully the university's interests in the commonwealth. "We feel we need to cast our net further and wider than has been done in the past," said Lewenberg, speaking to a group of faculty at Amherst. "The job requirements may be as much managerial as they are academic."²⁵

During the next three months, John Phillips, the A.T. Kearney consultant, proceeded to assemble and display the usual academics from the usual public institutions. The committee also recruited prospects from the business community and government. To

ensnare the latter, Lewenberg cast a broad and loose net. The committee did not impose a deadline or cutoff date for nominations, mainly because they wanted to continue searching until they had identified the best qualified person.

Working with Phillips, they compiled an impressive list of candidates. Unfortunately, Phillips, who was good at his job, had to be hospitalized for an illness during the week of October 23. Thereafter remaining unavailable, he was replaced by another Kearney firm corporate headhunter. By October 30 the search committee had considered more than seventy qualified candidates from across the country. It narrowed its list to seven semifinalists for a round of interviews and background checks, and chose the three finalists from this list.

Bulger: Consummate Politician and Public Personality

From start to finish, William Bulger emerged as the dominant figure in the search, so the specter of the Senate president loomed over the search from the very outset. The prime mover behind his nomination was trustee James O'Leary, both a UMass Boston alumnus and a former MBTA general manager in the Edward King and Michael Dukakis administrations. Familiar with the operations of state government, he had known Bulger for many years, and the two were good friends. O'Leary initially probed to find out whether Bulger would be interested in the job.²⁶

O'Leary was not alone, for he was soon joined by other trustees in promoting Bulger, namely, Michael Foley, Heriberto Flores, Robert Haynes, and later Robert Karam, all on the search committee. Before long Bulger signaled his interest. The governor's office also floated a trial balloon, which proved favorable. O'Leary then lobbied his fellow trustees and other influential state officials. Bulger was nominated for the presidency by three different people — John Cullinane, a businessman, Thomas Aceto, the president of North Adams State College, and John Okray, the student trustee from the Boston campus. They acted on their own without contacting Bulger.

Once the trustees knew that Hooker was leaving, they were convinced that what the university needed most was a leader who understood the political culture of Massachusetts, one who could make its case with the legislature and articulate its mission to the public. In their eyes the Senate president was the ideal person to fill that role. They considered him a point man of star quality. One of the motives behind such an action was expressed directly by trustee Robert Haynes, who said, "The thing that the university lacks is a relationship with the governor and the legislature. We need someone who can make the connection up there."²⁷ Afterward Dan Taylor acknowledged that Bulger's appointment was motivated by a recognition that if the university was to rise to the first rank, improved relations with the legislature were vital. Lewenberg felt that Bulger's access to private and corporate philanthropy was just as important as his connections with the legislature.²⁸

Bulger had a good working relationship with the business community as well as with a host of civic groups. He strived hard to convey a posture favorable to business and devoted much of his time to helping various cultural and community service organizations. He sat on the boards of trustees of the Boston Public Library (BPL), the Museum of Fine Arts, the Boston Symphony Orchestra, and the Massachusetts General Hospital. Coming off a successful \$16-million-dollar fund-raising drive for the library, Bulger had tapped into a rich reservoir of private philanthropy as well as a network of influence and wealth. While he appealed politically to the deprived urban lower classes, he always

courted the rich and the powerful. As historian Thomas O'Connor puts it, "Publicly, Bulger plays to the crowd, but privately, he walks with the elite. There's always that fascinating love-hate relationship of the Irish toward the Yankees. On the one hand, you've got to tweak the Yankees. On the other hand, there's a desire for a certain level of respect."²⁹

Before examining the furor over the appointment, it is worth taking a careful look at Bulger's public career and rise to power. It can also better illuminate some central themes that arose during the search. A complex and controversial personality, Bulger was a man of obvious talents and skills. Adept with people, he usually displayed a certain personal charm and Irish wit. A shrewd judge of character, he was at the same time a man of warm sympathies. Neither a liberal nor a conservative, Bulger was an operator of quick intelligence and strong ambition who stated many lofty principles convincingly, eloquently, and even passionately. Some people felt that his actions did not always match his rhetoric.

A native of South Boston, Bulger was regarded as a loyal son of Southie, where he grew up as a poor boy during the Great Depression and first learned the ways of the political world. His father was a blue-collar worker who had lost an arm as a result of a railroad accident in which he was pinned between two freight cars. With no worker's compensation in those days to tide them over, the family lived amid poverty in the Old Harbor public housing project.

From these humble origins, young Bulger was educated in the Jesuit classical style, graduating from Boston College High School, Boston College, and Boston College Law School. These three credentials earned him the sobriquet triple eagle, the common insignia for all three Jesuit institutions. The story is told that an elderly priest who spotted his potential for learning talked him into attending BC and put up the money for his first year. Bulger then interrupted his college education to serve in the army during the Korean War, returning from military service with the benefits of the GI Bill to finance the rest of his education.

As Senate president, Bulger had close ties with John Silber, the outspoken and controversial president of Boston University who had run unsuccessfully for governor on the Democratic ticket in 1990. He had helped Silber obtain the Commonwealth Armory for BU in 1982. In addition, Bulger held an adjunct faculty post at Suffolk University and taught courses at Boston College Law School.

Psychologically drawn to politics at an early age, Bulger worked in political campaigns during his youth and became president of his senior class in high school. He displayed a flair for political showmanship by entertaining his classmates with impersonations of the incomparable James Michael Curley. During his last year in law school, Bulger entered politics and got himself elected to the Massachusetts House of Representatives, where he served from 1961 until 1970. Enduring the typical frustrations of a freshman legislator, he chafed under the lackluster leadership of Speaker John Thompson, who was known as the Iron Duke. While sparring with Republicans, Bulger settled into place and managed to get his share of bills passed, among them the first child abuse law in the history of the state. Thereafter, Bulger was on his way.

Short in stature, Bulger had charisma. His dramatic oratory flowed in the classical style and was laced with quotes from Greek and Roman statesmen. His intelligence won him grudging acceptance from many of his fellow state legislators, but his constituents remained almost in constant siege. The liberal press maligned them as racists or bigots; occasionally they retaliated sharply. Although Bulger was open-minded in discussion,

once he made up his mind he clung to his opinions with unbending Irish stubbornness. This, however, did nothing whatsoever to diminish the fervor with which he worked to achieve his goals. Constant achievement was as necessary to his spirit as to the most dedicated athlete, and he seldom allowed himself to get rigidly boxed into a corner without finding some avenue of retreat. He usually obeyed a pragmatic political ethic, but many believed him to be also a man of compassion and political courage. Like his boyhood idol James Michael Curley, he could be trusted to confront the power and arrogance of the Yankee privileged class.

In 1971 Bulger moved up to the state Senate, where he quickly made a name for himself. His elevation, less than a decade later, to head of the Senate was an indication of his native intellectual ability and of his superb political skills. He pushed through landmark legislation that opened the wet-sand stretch of coastal beaches to the general public. He also fought for interdistrict school choice, charter schools, and a constitutional amendment that was intended to remove blatantly anti-Catholic language. This provision had been put in the state constitution in the mid-1850s during the heyday of the Know Nothing movement, whose driving force was anti-Catholicism. Critics, like the Massachusetts Teachers Association, charged that his amendment would allow public school money to go to Catholic and private schools. But Bulger was a lonely voice in the turbulent sixties and seventies. The city of Boston had a powerful friend in him when local aid was distributed each year, and he played a pivotal role in the creation of the Massachusetts Water Resources Authority and the Massachusetts Convention Center Authority.

Bulger then pressured the board of the Convention Authority to hire his top aide, Francis X. Joyce, as its executive director. It gave Joyce, an alumnus of UMass Boston and Suffolk Law School, lifetime tenure. This episode triggered a firestorm of controversy that would not subside, for the media's revulsion toward cronyism was fairly constant over the years. Yet patronage, in Bulger's view, was simply taking care of one's own. Among his Boston Irish constituents, it was the first rule of life. Over time, Bulger had distributed countless jobs to urban ethnics with a deliberate eye to elections. He even joked about the MBTA's standing for Mr. Bulger's Transportation Authority. The Carmen's Union was one of the most powerful public service employees unions in the state.

More than was appreciated at the time, Bulger managed to restore the tarnished image of the Senate after it was rocked by scandal and political corruption in the late 1970s. Two state senators, Republican Ronald MacKenzie of Burlington and Democrat Joseph DiCarlo of Revere, the majority leader, had been convicted of accepting bribes from a construction company that had built the UMass Boston campus. Both were sent to federal prison. The Ward Commission was established to correct these abuses. As fate would have it, DiCarlo's going to jail gave Bulger his big break. With the way clear, Kevin Harrington tapped Bulger as his successor for Senate president.

During his thirty-five years in state politics, Bulger became a force to be reckoned with in Massachusetts. As much as any politician in the Bay State, he understood the essence of the political game. He was a formidable competitor in the fierce competition for attention and approval that always exists in state government. His long legislative career had made him a master of institutional politics as practiced on Beacon Hill. A power broker and a deal maker, he was proud to be called a mere politician. More than this, he was an urban populist who fought for the interests of the poor, the disabled, the elderly, and blue-collar working people. In their eyes, Bulger appeared as the champion

of the common man who wanted what they wanted. He reached out for contact, and indeed, for confrontation.

In political parlance, Bulger was known as a hardball politician who played for keeps. He was as shrewd, as cunning, and as ruthless as they come. For such politicians, winning is all important, whatever the issue or whatever the cost. In doing battle with his political competitors, Bulger earned a fearsome reputation, which, inevitably, invited others active in state affairs either to ignore him or to risk defying him. A reputation for strong leadership depends on more than just personal qualities.

Possessing the means to punish or reward is also important, and Bulger did not hesitate to use those resources at his command. One episode revealed more than any other his forceful tendencies. In 1981 Bulger used the state budget as an instrument to punish George Daher, chief justice of the state Housing Court. Daher had angered Bulger by refusing to appoint the son of his friend and political mentor, Patrick “Sonny” McDonough, to a clerkship. Incensed by having his court budget slashed and his judicial power diluted, Daher blasted Bulger, calling him a corrupt midget. Later, Daher was pressured by his judicial colleagues to apologize for his intemperate remarks.

A similar fate befell Democratic senator William Keating of Sharon, who challenged Bulger’s leadership. Keating was furious at Bulger for not having appointed him chair of the powerful Senate Ways and Means Committee. Internal dissension in the Senate grew. In 1994 Keating and his small band of followers — Democrats who hailed from all parts of the state — fielded a slate of candidates who ran to oppose Bulger. Taking their Beat Bulger campaign on the road, they made him the target of their rebellion. After a tough fight, the Keating forces were soundly beaten by the Bulger organization.

This was not the first time that Bulger’s leadership had been challenged. In 1973 state representative Barney Frank of Newton, who is now a congressman, forged an alliance between the liberal Democratic Study Group and the Black Caucus. This coalition attempted to gerrymander Bulger out of office by creating a district that would guarantee the election of a black senator. Frank’s redistricting scheme, which would have unseated Bulger, was not adopted. The danger in such a game is that it can boomerang — liberals were astonished, several years later, when the House Democratic leadership gerrymandered Frank’s congressional district, making it difficult for him to win reelection. Turnabout was considered fair play.

“All politics is local,” to use Tip O’Neill’s favorite expression, but it is also a matter of perception. Because Bulger frequently played his tough brand of politics, his bureaucratic enemies perceived him as vindictive, mean-spirited, dictatorial, tyrannical, iron-fisted, secretive, intolerant, and frighteningly authoritarian, using these pejorative adjectives to describe him whenever it was convenient. In their view, he was a modern despot. Other politicians tended to defer to him rather than resist. Bulger’s brilliance lay in fashioning political strategy and tactics, his intuitive grasp of personalities, and his manipulation of men and women to do what they otherwise would not have done.

Bulger plunged heartily into ethnic politics. He enjoyed marching in the annual Saint Patrick’s Day parade in South Boston and in hosting a breakfast gathering at the Bay-side Club, where he delighted his guests by singing Irish folk songs and roasting his fellow politicians. American presidents like Ronald Reagan, George Bush, and Bill Clinton called him at this celebration and engaged in jovial banter. His public style and strategy endeared him to his supporters but infuriated his enemies.

Loved and hated with equal passion, Bulger was a figure of controversy from the outset of his career. In the seventies and early eighties, he found himself thrust into the

crucible of Boston's busing crisis. After nearly a decade of political and legal battles, reflecting more than a century of stored-up fears and antagonisms, desegregation came to the local public schools. Discontented minorities remained anxious but isolated. The racial tensions behind this conflict fueled a political fire that would burn with increasing intensity. The Irish of Charlestown and South Boston stood fast and fiercely resisted federal court-ordered school busing with a passion. The antibusing movement provided local Democratic leaders with an organizing focus for a variety of discontents and aspirations. Bulger, confronting police commissioner Robert DiGrazia outside South Boston High School, accused the tactical police force of overreacting in arresting and beating up protesters.

No other question did more to divide and inflame the city than this highly volatile issue. Vehement conflict shattered lifetime friendships and pitted race against race and class against class. Desegregation contributed to a mass exodus known as white flight to the suburbs. Because federal judge Arthur Garrity refused to involve suburban communities in solving the problem of racial imbalance in the schools, the burden fell entirely on the central city. The Irish regarded Judge Garrity as a lace-curtain Irishman from the suburb of Wellesley who had turned on his own people. The same characterization was applied to U.S. senator Edward Kennedy, who could not calm the unsettled old loyalties. The busing conflict, which fed Irish hostility along with the inequities of class and race, exploded into episodes of racial violence in September 1974. The racially troubled city was torn apart by the ravages of righteous pride, of anger and fear, and of tribal clan-nishness. Civility and its restraints largely disappeared, compounding the atmosphere of hatred and distrust. The bitter residue had left its emotional scars as well as its legacy of racism.

During the busing crisis the media anointed instant heroes and villains, Bulger, of course, being cast as a villain. Because of his role in the antibusing movement, the press branded him a provincial South Boston politician, a redneck racist, and a maverick Democrat. Bulger seized the opportunity from these upheavals and recognized the power of images and stereotypes in determining voting behavior and party loyalty. While explaining his opposition to forced busing, Bulger again demonstrated that his strongest antipathies charted his course. His reaction to busing was understandably complex. He obviously experienced intense cross pressures, of which his school choice and school voucher ideas may have been a manifestation.

His position was realistic, even if it was not embraced by liberals. The real issue in the busing controversy, as Bulger saw it, was not between black parents and white parents but between parents and the state. He was not opposed to bringing students into communities such as South Boston, but he was opposed to sending them out of their local neighborhoods. No parent, in his view, should be forced by the state to send a child elsewhere. To this day Bulger insists that he was right.

That definition of the issue seemed to me to compel an obvious solution: give all parents a genuine opportunity to choose a school for their children. The goal, after all, was to rescue children from undesirable schools, not to evict them from desirable schools. Those ends could not be achieved by wielding the hammer of the state in the form of forced busing.³⁰

Bulger was vilified in the press for taking such a defiant posture, but he was hailed as a hero in his own district. The voters returned him to office by comfortable margins whenever he ran for reelection, a sign that constituency and leader were attuned to each other's calculations. Much of his success depended upon a secure political base. Never-

theless, his resistance to busing had statewide repercussions. The conventional version, as interpreted by Anthony Lewis in *Common Ground*, is that the conflict played to status and racial politics that made Bulger unelectable outside Boston.³¹

Burned by the press for his defiance of busing, Bulger became distrustful of the media, particularly the *Boston Globe*, which blamed the conflict on Irish parochialism and white racism. At the same time, it could hardly disguise its own thinly veiled anti-Irish and anti-Catholic bias. Given Bulger's opposition to abortion and gay rights and his support for school choice and a voucher plan, he was viewed by the liberal media as not being politically correct on these hot-button issues. But he showed no signs of buckling under the pressure.

Meanwhile, fellow Democrats like Governor Michael Dukakis and Mayor Kevin White, who supported busing, flourished as media favorites, the darlings of the liberal press. While they could do no wrong, Bulger could do nothing right. He knew instinctively that no matter what he did, he would never have the approval of the media or the liberal wing of his party, but he would have their respect. Since it was a no-win situation for him, he made it a policy not to grant interviews to the press.

Strangely enough, even though he had a running battle with the press, Bulger became a subject of media fascination. Part of it could be attributed to his charisma and part to his political resiliency. Some of it was no doubt owing to his maverick tendencies of bucking the incoming liberal tide. Whatever the reason, he remained in the public lime-light. In a September 1992 CBS television profile on *Sixty Minutes*, Bulger was portrayed in a favorable light by Morley Safer, who described him as a political relic or throwback to a bygone era and a vanishing breed of Irish political bosses. Favorable articles also appeared in *Gentleman's Quarterly* and *The New Yorker*. Bulger's capacity to perplex, confuse, and contradict the prophecies of media observers and commentators was legendary. His unpredictability simply added to the legend.

Like the fabled James Michael Curley, Bulger had earned a place in the state's political folklore. He once threatened to reroute a section of the Massachusetts Turnpike through the middle of the Boston Edison plant unless it stopped polluting the air over South Boston. The company got the message and soon cleaned up its act. No one captured Bulger better than newspaper reporter Scot Lehigh, who wrote,

Perhaps no figure in recent Massachusetts history has inspired more contradictory emotions than Senate President William M. Bulger. He is either revered or reviled, with precious little middle ground. To his many fans, the South Boston Democrat is a populist hero, a political scholar who has survived three and a half decades of rough-and-tumble, bloody but unbowed. To his equally numerous detractors, Bulger is nothing but a martinet, an iron-fisted pseudo-intellectual who gets his own way through naked power and intimidation.³²

It is in this twin context that Bulger's rise to power and his subsequent behavior as Senate president are best understood. Whatever his motivations and limitations, he was an astute and nimble political leader. He put men and women of proven ability in charge of the Senate Ways and Means Committee. With a hardheaded attitude to match Bulger's, Chester Atkins — a liberal, left-leaning Yankee with a patrician pedigree, Patricia McGovern — the first woman in the history of the state to hold this position, and Thomas Birmingham — a Harvard alumnus and former Rhodes Scholar who eventually succeeded Bulger as Senate president, did an admirable job. All three distinguished themselves in the post.

Nonetheless, Bulger had some image problems. Patterns of negative reaction can be explained by the urban and rural rivalries inherent in state politics and by the ideological rifts and bifactionalism within the Democratic party, but they do not explain all of it. Compounding his negative image problems was the fact that his brother "Whitey" was a convicted felon who had served hard time in Alcatraz for bank robbery. Bulger was aware of the negatives and bothered by them, but he made no adjustment, nor did any of his chief advisers suggest he do so. He never disavowed or repudiated his brother, for loyalty was highly valued in the Irish-American culture.

Bulger's worst crisis, and the one that scarred him the most, was the 75 State Street affair. Allegations surfaced in 1989 that he had split a \$500,000 payment that his long-time friend and law associate Thomas Finnerty was accused of extorting from real estate magnate Harold Brown. Bulger claimed that the money he received was a loan in anticipation of legal fees from another, unrelated case. Although he soon repaid that loan in full, the media smelled blood. After an exhaustive investigation, the federal prosecutors exonerated Bulger of any wrongdoing. U.S. attorney Jeremiah T. O'Sullivan found that there was insufficient evidence to proceed with a case. He admitted that it was not even a close call. Three years later, Massachusetts attorney general Scott Harshbarger reached the same conclusion.

While the perception of Bulger as an autocrat and a South Boston provincial may have been accurate to some extent, much of it was the creation of the media and its ability to shape public opinion. He was viewed with suspicion by liberals because of his social conservatism, but few liberal legislators championed human services more vigorously than he. More often than not, Bulger used his control of the Senate agenda and his parliamentary skill to push through measures that funded subsidized housing, provided higher cash benefits for welfare recipients, and secured more home care for the elderly.

Clearly, Bulger represented many things to many people. He responded to social injustice not as a warmhearted liberal but as a tough-minded, very self-centered, self-oriented man. But still, he was a fascinating creature — quick, clever, doggedly hardworking, ruthless, and not without wit. Veteran reporters Don Aucoin and Frank Phillips saw him as a complex phenomenon containing contradictions and ambiguities.

The same man who can be ruthless in dealing with State House foes — yanking their chairmanships, freezing their pay, burying their bills — shows a kindly face to the wider world: delivering Thanksgiving turkeys to shut-ins, working tirelessly on behalf of Marian Manor and the Laboure Center, helping raise funds for food pantries and organizations that help the disabled.³³

Whatever Bulger's personal and political contradictions may have been, he was adept at engineering consensus and getting legislation passed. In this regard, he was more of a workhorse than a show horse. He did not crank out the plethora of press releases that most legislators liked to issue. A maverick such as Bulger, educated, traveled, possessed of insight and knowledge about politics, moving among a variety of social groups, had a street-smart mentality that enabled him to outwit and outmaneuver most of his opponents. All of which made them furious.

Several of Bulger's political peers regarded him highly. According to David Locke, the state Senate Republican minority leader,

There are two Bill Bulgers. The one you read about in the press, and the one you know. He's going down as one of the great leaders in Massachusetts history. I probably

fought with Bulger more than any other member of the legislature, but I come away — after the smoke has cleared — with a strong feeling of respect and affection for him. He's a good man.³⁴

Former governor Michael Dukakis, who epitomized good government and political reform in Massachusetts, shared similar sentiments. He praised Bulger for raising the ethical standards of the Senate after years of decline: "He doesn't get enough credit for that because the public portrait painted of him is way off the mark. He is no dictator. He works very hard to build consensus and that's why he's been so successful."³⁵ State representative Ellen Story, an Amherst Democrat, voiced the same opinion: "His public persona is fairly different from his actual persona. He's much more open to suggestions and his experience dealing with the personalities in the Senate will be very good practice for dealing with faculty. My one worry is that he's used to deference, and you don't get that on campus."³⁶

The Role of Governor Weld

One can speculate on Bulger's motives for pursuing the University of Massachusetts presidency, which were grounded in the faith of a poor boy in the power and efficacy of education. The plain fact that a Catholic had never held the position may also have sparked his interest. Richard Freeland, a former UMass Boston dean, now president of Northeastern University, points out that as late as the mid-1950s, when Bulger was still in college, "many Boston politicians were convinced that UMass, with its traditional ties to the Republican, Yankee, yeomanry of the west, discriminated against Catholics in both admissions and hiring."³⁷ Personal considerations probably influenced Bulger as well. When asked by news reporters if he was interested in the job, he merely replied that he was intrigued at the prospect, a purposely vague response because he did not want to seem overeager.

By all accounts, Bulger wanted to create the impression that he was being drafted for the position rather than considered to be actively seeking it.³⁸ Thus, he ran the idea up the flagpole then went home to see whether the trustees would salute it. Though he would remain aloof throughout the search, he would keep himself available by waiting in the wings. With the mistakes that David Bartley had made in 1991 etched in his mind, Bulger decided to stay out of the fray. By removing himself from the line of fire, he did not take the political hits directly, nor did he respond to any of the personal attacks launched against him.³⁹

Despite his aloofness, Bulger was very much interested in the position. Wanting to get out of the Senate, he was looking for a "comfortable time" to leave. There was also a great deal of pressure on him to get out. After all, he had ruled the Senate for a record-breaking seventeen years, and many people felt that he had stayed far too long. Bulger clearly had some irons in the fire. In his aptly titled autobiography, *While the Music Lasts*, he says, "I had been urged to run for administrative office, but it held no attraction for me. I had been offered a judgeship, but I wanted to make law, not apply it."⁴⁰ Yet he confided privately to friends that there was no place else for him to go. Earlier he had floated his name for dean of Suffolk Law School. In 1994, Bulger had been prominently mentioned for the presidency of his alma mater, but nothing came of it. In the time-honored fashion of the Jesuits, Boston College selected someone from the religious order to head the private Catholic institution.

Throughout the course of his public career Bulger had made powerful allies in both the public and private sectors. These connections were an important source of his power. Among his allies was Republican governor William Weld, who occupied the corner office on Beacon Hill. As Shakespeare would say, the two men made for strange political bedfellows, confronting each other not only across party lines but also across a chasm of class and culture. While running for governor in 1990, Weld had caricatured Bulger as an old style pol who padded the state bureaucracy with his cronies.

Weld, a wealthy Yankee who was raised on Long Island, went to Harvard and lives in Cambridge. His family roots and Harvard degrees made him a Brahmin. Bulger, who came from a working-class neighborhood in Southie, had none of Weld's advantages of family fortune and Ivy League education. Somehow their polarities drew them together, each strangely attracted by their differences. Soon to follow was an alliance born of political necessity.

When Weld took office in January 1991, the state faced a genuine fiscal crisis. His predecessor, Michael Dukakis, left him a \$1.8 billion deficit, and the state's bond rating had sunk to junk bond status. The time of genuine reckoning was at hand. Burying their partisan differences, Bulger and Weld worked out an accommodation and together turned the budget crisis around. The Senate president helped Weld get several of his policy initiatives passed in the upper chamber. As Bulger described their relationship, "There was a degree of trading. At times when Weld lacked the votes for something he wanted, I would present his views to senators or even in a caucus. Occasionally that was helpful to him. There were times I wanted something . . . We worked together in many ways, and much good was done."⁴¹

Some observers felt that Weld needed Bulger more than Bulger needed Weld. The classic illustration was the confirmation battle over Weld's appointment of Charles Fried, a conservative Harvard law professor, to the state Supreme Judicial Court in 1995. When the confirmation appeared in serious trouble, Bulger used his influence to persuade Kelly Timilty, who sat on the Executive Council, to cast her vote for Fried. Much to the chagrin of liberals and feminist groups, Fried was confirmed by the narrow margin of one vote.⁴²

Before Michael Hooker left town, Peter Lewenberg paid a courtesy call on Governor Weld on May 17 to discuss the upcoming UMass presidential search. During their discussion, William Bulger was mentioned as a possible candidate. Weld, who thought that Bulger would be a good as well as a natural choice, urged Lewenberg to move expeditiously in conducting the search. Lewenberg then asked the governor why, if he felt that way, should they bother to have a search. The governor responded that the search process should consider all candidates on their merits and that he would respect the outcome. At the end of their meeting, the governor expressed doubt that they would be able to persuade Bulger to apply.

Shortly afterward Weld publicly praised Bulger and endorsed him for the post. The governor declared, "I personally think he would make an excellent university president. He really is an intellectual, very well educated, cares desperately about standards in education, cares a lot about access. Obviously, he would be helpful at the state legislative level in terms of funding."⁴³ This, coming from the supreme executive magistrate, was no small praise.

Lewenberg says that Weld never inserted himself directly in the search process and that he heard from the governor only once. Robert Karam, the vice chairman of the board of trustees, agrees with this assessment: "I wasn't lobbied by the governor's

office.” Karam was quoted in the press as saying, “This is a strong board. I’m not the only one who would get off the board if I’m told how to vote.”⁴⁴ But one gets the impression that the governor did not have to exert much pressure to get what he wanted. After all, most of the trustees were gubernatorial appointees. One senses the interconnections between them. Political insiders and journalists, who were exquisitely attuned to every nuance and innuendo of the search, read these signs accordingly. They surmised that between them, Bulger and Weld had already lined up their political ducks in a row.⁴⁵ Weld’s glowing endorsement of Bulger provided evidence that their interests were clearly aligned.

Lewenberg Visits Bulger

On August 7 Peter Lewenberg met privately with William Bulger to get acquainted with him and to find out what he meant when he said that he was intrigued by the job. Operating on the assumption that the role of the chair was to seek out prospects, Lewenberg naively initiated this visit, which was held at the home of James Julian, a Bulger aide who lived on Beacon Hill. As Lewenberg put it, “I thought it was important to have personal contact. I wanted to make sure he understood what the job is and to get some feedback.”⁴⁶ He also wanted to know if Bulger would submit to an interview by the search committee. Like a good politician, Bulger kept his options open and refused to make a commitment one way or the other. He was a complex man who never revealed himself completely. Even so, he was impressed with Lewenberg’s dedication and affection for UMass.

Given the secrecy with which the search committee operated, it is difficult to separate fact from fiction. Unhappily for Lewenberg, his private meeting with Bulger backfired on him. Before he even walked out the door, it had in effect become a public meeting that aroused suspicion. The episode leaked to the press, as such things do when someone wants them known.

Three days later reporter Robert Connolly broke the story in the *Boston Herald*, which published an account of the meeting. The journalist’s impulse to find a clandestine plot soon became evident. Columnist Wayne Woodlief, a hard-bitten newspaperman, warned that the skids were “greased for Boss Billy, notwithstanding the usual nationwide search.” He quoted an anonymous university source as saying, “If [Bulger] wants it, it’s his. He can have it by Thanksgiving.”⁴⁷ Some mysterious insider was already leaking stories to the press.

Bear in mind that at this point the search committee had met only once in July, and that was an organizational meeting. No one else on the committee knew of the visit, and they first learned about it in the newspapers. As it happened, this was a mistake that would come back to haunt Lewenberg. To the general public it appeared as if Bulger was getting preferential treatment. The problem was that no other candidate received similar treatment. The unintended consequence of this snafu was to create the impression that the search was rigged. The Woodlief warning all too quickly became prophecy. Rumors that the search was fixed soon began circulating in the press as well as in academic circles.

Whether intended or not, Lewenberg’s private visit sent a signal that frightened faculty aspirants or at least made them wary. Once they heard that Bulger was a candidate, they either pulled out of the search or simply did not apply. As William Bowen, vice chairman of the search firm of Heidrick and Struggles, remarked, “People who

might otherwise be interested drop out before their names become public. People don't run to lose."⁴⁸ Even those who stayed in the contest came to believe that the search was wired.

Perplexed by what they read in the newspapers, trustee Myra Kraft and faculty member Janet Stein, both of whom served on the search committee, telephoned Lewenberg, inquiring as to whether the board of trustees had already picked Bulger. He assured them that such was not the case. Still, the rumors persisted. Even his brother called Lewenberg to say that he thought the chair was being manipulated. Stung by the criticism, Lewenberg could not stop the rumor flow nor could he undo the damage done by the adverse publicity.⁴⁹

The Karam Boat Cruise

Three weeks later, on August 29, vice chairman Robert Karam, a Fall River businessman who owns two radio stations, took several of his fellow trustees for an ocean cruise aboard his privately owned power boat. They departed from Falmouth in the morning, lunched at the Black Dog Restaurant on Martha's Vineyard, and returned home the same day. One trustee, who did not go on the cruise, inadvertently let it slip that the purpose of this event was to persuade "recalcitrant" trustees to get in line for Bulger. Karam denies this rumor, claiming that the trip was scheduled well before the search had started, that it was purely a social event. "There was no discussion of the search at all. It was not intended for such a purpose. I decided to get the trustees together socially."⁵⁰

All this independent and secret activity may have had no relation to the search. Possibly it did. Yet manifest appearances do not always coincide with latent realities. Myra Kraft, who went on the cruise, along with Mary Reed and Ogretta McNeil, indicates that they had a great time and that no undue pressure was applied to them. She commented, "The male trustees apparently thought that I would be against Bulger."⁵¹ It should also be noted that Karam initially pushed hard for a business leader from the private sector. Like Lewenberg, he felt that the major problems facing the university were more managerial than academic. Times and conditions were changing, and the trustees' complex set of attitudes reflected such change.

Among the fourteen trustees who served on the search committee, board chairman Daniel Taylor and trustee Derek Bok, the former president of Harvard, had misgivings about the Bulger candidacy. They felt that it would reflect poorly on the university's reputation. Bok wanted someone who had an inside view of running a university and who would be engrossed by the opportunity to build the institution. Somewhat curiously, he believed that if the proper infrastructure was in place, as at Harvard, almost anybody could do the job. Bok himself did not hold an earned doctorate. "I do not feel that only someone with a Ph.D. or someone who spent a life in teaching and research is qualified for this job," he said. "We can't afford to lay down arbitrary exclusions. We ought to consider everyone and make the best choice we can."⁵²

For his part, however, Bok was never genuinely on board. Once he sensed that Bulger's candidacy was on a political fast track, he bailed out early. By this time the train had already left the station. Unhappy with the way the job description was written, Bok absented himself from the interviews as well as the meetings in which the final votes were taken. Although Taylor, an important Boston lawyer, had initial misgivings about Bulger, he later changed his mind and voted for him. Apparently, he was per-

suaded to do so not only by his fellow trustees and his associates at his law firm but also because he thought it was in the best interests of the university.

At this stage of the process most of the faculty on the search committee were still sitting on the fence and remained undecided, but two were leaning in the direction of Bulger. In their deliberations, Janet Burke, who represented the Lowell campus, let it be known that she was a double eagle in terms of her Boston College degrees. Not unexpectedly, she favored Bulger. So did Daniel Georgianna of the Dartmouth campus. As president of his local faculty union, he was under considerable pressure to vote for the Senate president. Ernest May of the Amherst campus, who missed the organizational meeting in July, took a hands-off approach and did not weigh in as heavily as he could have. It was a rough go for Philip Quaglieri, chair of the Faculty Council at the Boston campus, who was getting hammered by his faculty colleagues and feeling the anti-Bulger heat. As a result of this pressure, Quaglieri wanted to poll his faculty to ascertain where they stood, but he was informed by the trustees that the process didn't work that way. He would have to render his own independent judgment on the merits of individual candidates. Janet Stein, who represented the Medical Center in Worcester, indicated that while many faculty on her campus felt that the outcome had already been decided, they didn't particularly care who got the job. In the end, she "reluctantly agreed that Bulger was the best choice under the circumstances."⁵³

The Gathering Storm Breaks over the Academy

Evidence abounds of vigorous antagonism between the pro-Bulger and the anti-Bulger forces. Both sides appeared poised to demolish the other's arguments. No sooner had Bulger's name been mentioned for the UMass presidency than opposition surfaced. Ruth Batson and Mel King, both prominent leaders in Boston's black community, immediately came out against him. They felt that his record on school busing made him unfit for the position. Bulger's involvement in the antibusing movement remained a political flash point.

In an open letter that Batson released to the press on June 12, she wrote,

During the twenty years since Judge Garrity's decision, I can find no attempt by Senator Bulger to grow, to learn, to understand or to heal. This is certainly not becoming of any candidate for the presidency of an educational institution. He hasn't demonstrated the qualities needed. UMass has had a great deal of racial unrest. What would he do about that?⁵⁴

This strategy was intended to hurt Bulger where he seemed most vulnerable and to nip his candidacy in the bud. Relations between blacks and Irish had many abrasive edges, some dating back to the antebellum era.⁵⁵ Intervening elites were now adept at generating symbols and encouraging ambiguity with rhetoric that appealed to fear and distrust. Minority trustees like Mary Reed and Ogretta McNeil were under a lot of pressure from the black community. Batson's counsel was prelude to the more concerted assault that followed.

Almost simultaneously, a storm was gathering in the academic community. Bulger was vigorously opposed by a group of activist faculty on the Boston campus. Because the school was located in his district, they were knowledgeable about his use of patronage at the university. Philip Quaglieri faced the agonizing dilemma of having to represent a divided faculty. On the one hand, moderate and conservative professors urged

him to look for a good academic, but not to rule out the possibility of Bulger. On the other, liberal and radical-left faculty wanted anybody but Bulger. In the current academic climate, they saw him as the wrong person in the wrong place at the wrong time.

Meanwhile, John Okray, the Boston student trustee, had nominated Bulger and strongly supported him. Okray voiced student complaints about increased tuition and fees and lauded Bulger by saying, "As far as academia is concerned, his traditional values are a much needed asset; many students complain that the curriculum is being used by some as a vehicle for pushing personal agendas on the student body. We believe he will put his fist down on much of this nonsense that is mandated upon the student body through course requirements."⁵⁶

Stridently anti-Bulger, many Boston faculty found his positions on busing, gay rights, civil rights, and affirmative action abominable. They probed and picked over his record, dredging up old stereotypes to denigrate him and casting doubt in general. In their view, Bulger was nothing more than a hack politician who had never championed public higher education. They not only lambasted him for having presided over the budget cuts, they also portrayed him as a political Neanderthal who would take the university back to the Stone Age. They spoke about his mobster connections and brought up his brother Whitey's criminal record. In short, they found him totally unacceptable.⁵⁷

It was another slash-and-burn strategy. Charles Knight, who served as the Boston faculty representative to the board of trustees, expressed great fear of Bulger as a coercive leader. Some faculty even objected to him on religious grounds. Roger Prouty, a history professor, cited a speech that Bulger had given in 1993 to the Catholic Lawyers Guild in which he lashed out at secular humanists, referring to them as moral nihilists who contributed to the decay of society. "We live in a secular state," said Prouty. "If that's indicative of his true feeling, it's inappropriate for a college president."⁵⁸ The Boston faculty left no stone unturned. All these resentments came together at the climax of the search.

Looking for a Cash Cow

The Amherst faculty was much more circumspect. Because they were deeply resentful of the Michael Hooker regime, they became suspicious of the trustees. On October 11 Amherst members of the Massachusetts Society of Professors held a protest at a trustee meeting on campus, which was the first public sign of how deeply many faculty members had come to distrust Hooker's circle on the board. In the protest itself, and in faculty comments to the press in its aftermath, was a challenge to the legitimacy of the five-campus system.

When the search committee visited the Amherst campus, only one faculty member spoke against the Bulger option. Everyone else endorsed it outright. Frank Hugus, head of the Germanic languages and literature department, chose his words carefully. "We've had some disasters in the president's office. I don't want any more disasters. I'm not really in the market for a world-class thinker. I want someone who knows how to get money, and then stay out of the way and let us do what we do best." Echoing similar sentiments, George Sulzner, a professor of political science, put it more bluntly. "What we really want is a cash cow. That's what we want — somebody that produces money for the system."⁵⁹

John Bracey, the outspoken secretary of the Amherst Faculty Senate and professor of Afro-American studies, was critical of Bulger on the busing issue, but he tempered his criticism by saying, "This is the biggest minus that popped up. I think you'd have to

look at it in the context of his overall record. It's a gamble."⁶⁰ Ernest May, chairman of the music and dance department and a member of the search committee, estimated that roughly two-thirds of the Amherst faculty favored Bulger, while one-third was opposed to him.⁶¹

Ellsworth Barnard, a professor emeritus, wrote a letter to the editor of the *Boston Globe* in which he asked a series of questions about Bulger.

Specifically, what are his views on who should be admitted to a public university? On the relative reliance for funding on legislative appropriations, tuition, and private support? On the proper balance between teaching and research, and between liberal education and professional training? Where does he stand on the issue of traditional versus multicultural curricula? Or on the value of ethnic diversity and the related problem of reconciling ethnic cultures with loyalty to the broader community? What are his views on affirmative action, academic freedom, tenure, and the governance of a university — the proper role of trustees, administration, faculty, and students? The university community and the public have a right to know the answers.⁶²

There were also some rumblings at Amherst about Bulger's role in having delayed the construction of the Mullins Center, which was now used for basketball games and as a convention complex. Knowledgeable sources said that this delay resulted from an ongoing dispute between Bulger and Speaker George Keverian. In their view, it amounted to "pure Beacon Hill horse-trading."⁶³

The Expected Public Outcry

At this stage the controversy captured public attention. With the expanding media coverage, considerable public hostility materialized. Suddenly the debate became far more emotional and vituperative than it had previously been. Much of this had to do with the distrust and cynicism that citizens manifested toward politicians and their desire to see term limits imposed. Bulger had been in public life for thirty-five years. His negative-image problems now worked against him.

The *Boston Globe* sponsored a public opinion poll which showed that 59 percent of the public was opposed to his getting the appointment, while only 20 percent favored it. For further emphasis, the newspaper published a cartoon by Paul Szep showing a crowd of Bulger look-alike fans wildly cheering for their friend from Southie. The caption read, "The nationwide search is over . . . Billy Bulger is our man."⁶⁴ It was vintage Szep.

What now emerged was a search process that mixed outside and inside participation. To these reservations must be added the tactics that outsiders used to stop William Bulger. To be sure, the Senate president had more than his share of critics, among them Harvard law professor Alan Dershowitz, whose long-running feud with Bulger was well known. The two men loathed each other. Dershowitz launched a vicious attack, accusing Bulger of bigotry and anti-Semitism. He also questioned his lack of scholarly attainment and raised the specter of his "questionable dealings" in the 75 State Street affair.⁶⁵ The initial confrontation between the two men had taken place in 1990, when Paul Mahoney, a Bulger aide, was confirmed for a district court judgeship. At that time Bulger referred to Dershowitz as a ubiquitous self-promoter and a murderer of reputations. Since then their clash had become a highly charged personal vendetta. Whatever the grievance between them, Dershowitz's rhetoric was filled with venom and rancor. He seemed determined to stop Bulger dead in his tracks.

The verbal pyrotechnics continued unabated. State treasurer Joseph Malone, a Republican with strong gubernatorial ambitions who had previously sparred with Bulger on Beacon Hill, stoked the fires of opposition. In a *Boston Herald* op-ed piece Malone wrote, "Bulger has displayed a character so unsuitable for the office of a university president that any other candidates who acted in such a manner would be automatically disqualified. I fear that the university will suffer from the insult of his patronage and power." Malone angrily denounced Bulger as "autocratic, vindictive, and secretive."⁶⁶

This fusillade of rhetoric no doubt pleased Bulger's opponents, who bashed him unabashedly. Conservative columnist Jeff Jacoby, who was allied with Alan Dershowitz, delivered a scathing diatribe, complaining bitterly about the search being "a foregone conclusion the moment Bulger expressed an appetite for the job. But nobody was fooled by the charade." Jacoby then vented his spleen.

Does anyone believe that Bulger's leadership will add luster to the university's name? Wait until word gets out that the most despised man in Massachusetts politics has just muscled his way into the presidency of UMass. A sneering, petty, vindictive bully, a man notorious for his intolerance of dissent, someone whose own brother is a gangster wanted for murder and armed robbery — oh, yes, this'll do wonders for the image of UMass.⁶⁷

Less cynically, Rachelle Cohen of the *Boston Herald* wrote a more balanced piece, but it too was heavy with sarcasm. Her column "Trouble for Happy Valley?" read in part,

The Bulger appointment could, of course, be either the best thing ever to happen to UMass or the worst — and that depends entirely on which Bulger shows up for work at the president's office.

There's William, the erudite, Greek-and-Latin-spouting, intellectual elitist with a populist's heart who allegedly never allowed a TV in his house. Now this Bulger would have precious little patience with the kind of numbskulls who waste their time and energy trying to erase from the Amherst campus that most evil of war-mongering white-guy symbols — the Minuteman.

But then again there's his evil twin, Billy. Now Billy's the guy who never met a relative he couldn't — or wouldn't — find a good-paying state job for, never met an ex-rep or senator he wouldn't help place, and whose idea of affirmative action is naming Sen. Lou Bertonazzi his majority leader.

What those supporting the Bulger candidacy obviously hope is that the Bulger political clout — which translates into budgetary clout — will remain intact even in the UMass president's office.⁶⁸

What are we to make of this rhetoric? Of course, it served many purposes and there is no intention here to divest it of meaning in terms of the politics of the search. It excited emotions in order to prevail; it also absorbed traditional ethnic group antagonisms and reflected cleavages generated by different status and class positions of social groups. It was reminiscent of the smear campaign that had been used to savage David Bartley in 1991, but some participants thought that the Bulger bashing amounted to overkill. For his part, Bulger appeared unruffled by most of his critics and made no attempt to engage them.

The Prescribed Antidote

In an effort to determine the validity of these charges, Peter Lewenberg, who is Jewish, did some checking on his own. For starters, he touched base with the anti-Defamation League with regard to Alan Dershowitz's charges of anti-Semitism. This organization gave Bulger a clean bill of health, indicating that there was no basis in fact for such charges. As far as they were concerned, it was a "personal thing" between Dershowitz and Bulger. In short, the Jewish community gave Bulger a solid endorsement. Albert Sherman, a vice chancellor at the Medical Center in Worcester, did much to garner support for Bulger within the Jewish community.

Similarly, Lewenberg met with the Black Legislative Caucus, which cleared Bulger of any charges of racism. Differentiating his position on busing from a myriad of other important public policy issues, the black leaders in effect gave him their stamp of approval. Although they stopped short of endorsing Bulger, they did not attempt to torpedo or block him. According to spokeswoman Shirley Owens-Hicks, a Democrat from Mattapan, their main concern was to ensure that the person who was eventually chosen president would be responsive to racial diversity.⁶⁹

The Bulger supporters had a ready reply. His candidacy especially heartened columnist David Nyhan, who came to his defense. Nyhan wrote,

Bulger's great strength is his first-rate mind, and steely determination. He is focused, disciplined and not easily knocked off his pins by mud pies tossed by critics. He is a leader, tempered in the fires of politics. He has great reach within the state's corporate community. He's done yeoman work for the Boston Public Library and Massachusetts General Hospital, where he's a trustee. He has good relations with private universities, by and large. When he commits to an issue, he's in all the way.⁷⁰

Thomas Aceto, president of North Adams State College, who had nominated Bulger for the post, also came to his defense. Having previously worked in public higher education in the states of Maine, New Hampshire, and Michigan, Aceto observed:

Massachusetts is a very different place. It's a highly politicized process, and you need to know what buttons to push and who to see. I am not saying it's a devious system, but with his knowledge of the way things are done in Massachusetts, Bulger can move the system forward.⁷¹

This exchange involved fundamental issues of direction for the university.

The Role of the Media

The media, both print and broadcast, played a heavy-handed role throughout the search. David Starr, publisher of the *Springfield Union News*, came out early and endorsed Bulger, the first editor to do so. His newspaper was influential in the central and western parts of the state. People living in the Berkshires mostly read the *Hampshire Gazette* and the *New York Times*, both of which showed a lively interest in covering the search. So did the *Patriot Ledger* in Quincy, the *Salem Evening News* and the *Lawrence Eagle Tribune* on the North Shore, the *Standard Times* in New Bedford, and the *Providence Journal* in Rhode Island.

Journalists, who had a major influence in shaping public opinion, systematically kept foretelling the outcome and acting with reference to their own foresight. Some of this news was distorted through political oversimplification and erroneous interpretation in the media and elsewhere. One need not accept Wayne Woodlief's conspiracy theory to acknowledge that the perception of Bulger's having a lock on the position became the prevailing view. As things turned out, it proved to be a self-fulfilling prophecy.

What is the truth about these claims? There is no simple answer. In reality, several trustees were predisposed toward Bulger, but most members of the search committee wanted to keep an open mind. Peter Lewenberg repeatedly told the press, "This search is not predetermined," but the more he reiterated his statement, the more they disbelieved him, or so it seemed. Try as he might, he could not convince the skeptics otherwise. His actions, however, spoke louder than his words. Some said that he later regretted the Bulger visit because it was so misconstrued and misinterpreted. From Lewenberg's perspective, the *Boston Globe* was intent on discrediting the search and portraying it as a done deal. He blamed its State House reporters for this and not its educational reporter, Alice Dembner, who, he felt, tried hard to be professional.

The intervening elites were using the media to speak to one another and to work out their strategies. Raising the specter that the search was fixed played nicely into the hands of Bulger's adversaries. They wanted to string out the search as long as possible with the expectation that he might stumble and fall somewhere along the way.⁷²

The anticipated firestorm of opposition to Bulger did not develop on the four campuses outside of Boston. Once the effort to stop Bulger failed to materialize on campus, it became a draft Bulger movement. In the closing weeks of the search, when the pressure built in the Senate over Bulger's successor, the press was all the more determined to report on the search. Some State House reporters were writing stories based on groundless speculation. Their depiction of Bulger as an automatic shoo-in was the distortion. As journalism professor Ralph Whitehead explains,

I think the search committee was wise to avoid commenting in the press. What it didn't anticipate, because it would have been impossible for anyone to anticipate, is how the press would allow its coverage of the search to be driven by events and gossip in the Statehouse. Thus, the stories that first asserted that Mr. Bulger would be named to the University presidency were written in the [State House] as part of the Senate succession story, and not by higher education writers as part of the search story. And the [State House] press asserted that Mr. Bulger would be named before it became clear in the search itself that this was definitely the case. This made it appear as if the silence of the search committee was an effort to mask its intentions. In fact, it was a wise effort to protect its deliberations against the disruption of leaks and other efforts to drive the hiring decision through the press.

The search committee clearly meant its silence to be a neutral principle: it wasn't supposed to create an advantage or disadvantage for any particular candidate or candidates. If it did create a bias, however, it was a bias in favor of the academic candidates on the short list. Their ability to seek the job was hurt if news of their candidacy got back to their current campuses. Thus, to the degree that the vow of silence favored the academics, it disfavored Senator Bulger.⁷³

Student trustee Matthew Morrissey says that there was overwhelming student support for Bulger on the Dartmouth campus.⁷⁴ Speaking to a group of undergraduates in 1994 on the topic of public service, the Senate president had stirred their imagination and won a rousing ovation, and they remembered him well. From Morrissey's vantage point,

students, who had felt the financial pain of budget cuts, increased tuition and fees, and diminished services, wanted someone who was nontraditional. Similar concerns were voiced by Brian Andriolo, the student trustee from Lowell.

Michael Morris, who represented the University of Massachusetts alumni and alumnae, brought an interesting perspective to bear on the search. As he put it, "There was widespread agreement on the ills that beset the university — the lack of a positive image, the lack of an advocate, the lack of political clout, and the domination by private education."⁷⁵ Morris entered the search looking for a candidate who would make an impact on these problems. He then went out and found someone who he thought could do the job: Carol Eastman, the senior vice president at the University of Hawaii, was a career academic who had graduated from UMass Amherst. Morris had grown up with her in the city of Lawrence.

On October 20 the search committee met and reviewed their list of sixty-six candidates. Using evaluations based on the position profile, they narrowed the field to fourteen people from whom they requested additional materials for further consideration. Of these, one was a woman, seven were from academia, three were from business, and four were from government. At this point there was one vexing problem — Lewenberg discovered that there was a leak on the search committee. Their confidential discussions were obviously getting out. They talked about the problem among themselves with Myra Kraft describing it as dirty pool, but the leakage continued. The trustees on the committee felt that it was a faculty member who was disclosing information to the press.

Ironically, the faculty saw it in directly opposite terms. Janet Stein felt that the leaks were purposely placed by a trustee to discourage other candidates, that they were not accidental. She commented, "Publicity along the way was sufficiently well placed and made a lot of people disinterested."⁷⁶ According to Daniel Georgianna, "Whatever leaks happened were minor. There wasn't some deep throat out there."⁷⁷

On October 27 Alice Dembner and two *Boston Globe* editors filed a lawsuit in Suffolk Superior Court to force the university to make the search process public and to reveal the names of the semifinalists. Invoking the state's open meeting law, they sought a temporary injunction to prevent the search committee from meeting in secret on October 30. The university was required by law to post its meetings. Although the plaintiffs knew about the meeting in advance, they purposely waited until Friday afternoon before going to court. Such short notice gave legal counsel Joyce Kirby precious little time to prepare the university's defense. Since she was attending a meeting at the Worcester campus that day, her associate, Terance O'Malley, had to fill in for her.⁷⁸

The presiding judge, Charles Barrett, denied the *Globe's* request for a restraining order, distinguishing the case from that of *Attorney General v. School Committee of Northampton*, 375 Mass. 127 (1978). Weighing the candidates' rights of privacy against the requirements of the open meeting statute, Barrett ruled as follows: "It seems to this court that, at least, until the time a job candidate is a finalist, a candidate has a legitimate expectation that his or her present employment status will not be jeopardized by a public disclosure that he or she has sought, unsuccessfully, another position."⁷⁹

The Closed Meeting

The upshot of this litigation was that the search committee voted to close its meeting on October 30. Instead they held an executive session, which the court had deemed permissible, barring Alice Dembner from attending it.⁸⁰ There was a lot of gamesmanship

going on by way of moves and countermoves. The committee then considered six additional candidates whose résumés had been received during the interim — four with academic experience and two who had major roles in the business community — bringing the total number of candidates to seventy-two. Including these late entries, the committee considered nineteen candidates that day.

From these deliberations the committee narrowed its list to seven semifinalists, five with academic backgrounds and two from government. Of these people, one was a woman, Carol Eastman, and one was a member of a minority, George Wright, the interim provost of the University of Texas at Arlington. Five interviews were eventually conducted.

During the next two weeks two semifinalists dropped out of the search, the first to bow out being Andrew Sorensen, vice president for academic affairs at the University of Florida in Gainesville. After receiving warning phone calls from friends in Massachusetts, who sent him faxes of Boston newspaper stories, he concluded that “the outcome of the search is pretty well determined.”⁸¹ The second to withdraw was Roger Johnson, a UMass Amherst alumnus, currently the head of the General Services Administration in Washington. During his interview, he spent an extra hour and a half talking about the criteria for the position. Unlike Sorensen, he did not use Bulger as an excuse for his pulling out, citing his main reason as follows: “The relationship of the university to the political structure and to financing decisions is quite muddled.”⁸²

Braving it out, the five other candidates stayed in the search. Though Bulger refrained from making any public statements and continued to play hard to get, he let his supporters know that, under the right conditions, he would be willing to accept the job. Supremely confident, he also made it known that he wanted a strong and unequivocal vote. “He wants to be asked, and he wants it to be unanimous,” an unidentified source remarked. “Those are the kinds of things he appears to be looking for. And I sense that will probably happen.”⁸³

The Three Finalists

A series of candidate interviews was conducted on three separate days at three separate Boston locations — on November 5 in the Hyatt Harborside Hotel at Logan Airport, on November 15 at Hill and Barlow, at One International Place, Dan Taylor’s law office, and on November 20 at the Parker House. All these meetings were posted in advance. The media activity at this point was intense — so many television and newspaper reporters were camped out and clamoring to get the story that one needed a human wedge to get through the crowd. Daniel Georgianna claims that he had “never seen such a media frenzy. It was almost like a murder trial. You had to show your identification, because the security was so tight.”⁸⁴

The scenario smacked of covert operations. To avoid the media crunch at One International Place, Taylor led reporters down one flight of stairs while Joyce Kirby escorted candidate Roger Johnson up another stairway. Five days later, an enterprising *Boston Globe* photographer who positioned himself in an alleyway caught William Bulger sneaking into the rear entrance of the Parker House for his interview. It was a weird situation, to say the least. Legal counsel had to decide what was public space and what was not, especially when the committee went into executive session.

During his interview, Bulger committed himself to the university’s goals, including expanding the diversity of the student body. He told the search committee that he recog-

nized the need for pluralism and diversity in a university setting. He was then grilled by the committee on the tough questions of gay rights, civil rights, and busing. According to Robert Karam, who posed some of the hard questions, "Bulger hit the race issue head on. . . . Busing was not skirted. He explained his position fully."⁸⁵ The same was true with regard to the other controversial issues.

Bulger scored points with the faculty members when he told them that he did not intend to run the individual campuses. The critical issue for Georgianna was whether Bulger would use his staff as line managers, as Michael Hooker had done. Bulger assured them that he had no intention of micromanaging at the campus level.⁸⁶ On the cash-cow issue, Bulger was candid in acknowledging that positions of power don't last forever, and therefore he was careful not to promise more than he could deliver by way of a windfall of money. Realistically, he felt that there would be slight increases over the years.⁸⁷ The interview was concluded on this note, Bulger having done much better than some expected.

No academic star reached the final cut. Besides Bulger, the two other finalists were Michael Baer and Charles Manning. Baer, the provost at Northeastern University, had spent the past five years dealing with an institution mired in budget problems and buffeted by changing demographic trends. Manning, chancellor of the West Virginia university system since 1990, came from a state that faced no real competition from prestigious private schools.⁸⁸

On November 20 the search committee, by unanimous vote of the eighteen members present, recommended these three men to the board of trustees. Although they forwarded the three names unranked, they nevertheless conveyed their strong belief that Bulger would be the best choice for the position. Speaking with their system voice, all five faculty members voted for him, including Philip Quaglieri from the Boston campus. Notably absent were trustees Derek Bok and John Poduska.

By this time it was apparent that Bulger had the votes on the board of trustees. Everyone knew that. The only holdout at this juncture was trustee Ogretta McNeil, a black professor of psychology at Holy Cross College, Worcester, who chaired the trustee committee on academic affairs. Besides Bok, she was the only other academic on the board. Because of family problems, McNeil had been unable to attend the interviews and did not know Bulger very well.

On the morning of November 28, the day of the final vote, Taylor and Peter Lewenberg hastily arranged a breakfast meeting that brought them together. This was supposed to enable McNeil to get to know Bulger better and to allow her to find her comfort level with him. Like Lewenberg's earlier visit with Bulger, this meeting backfired. McNeil frankly informed Bulger that she was not going to vote for him. Not concealing his displeasure at this rejection, he pointedly told her that she could not expect any help from him in her position as chair of the academic affairs committee, then quipped, "What am I doing here?" The latter remark, coming from a politician who was accustomed to gathering votes, was intended lightly.⁸⁹

McNeil emerged from the breakfast meeting shaken and visibly upset, for she was not accustomed to this kind of hardball politics in academic life. The clash of the two cultures was glaringly evident, yet she was gracious and very professional in describing the way Bulger had handled the situation.

True to her convictions, McNeil was the only trustee who voted against Bulger when the final tally was taken that same day at the Medical Center in Worcester. Explaining her viewpoint, she said, "I had to make a professional judgment. It was not done on a

personal basis. For me, he was not the best candidate.” Contrary to Patrick Healy’s report in the April 19, 1996, *Chronicle of Higher Education*, she did not vote against him for his stance on busing. “I was not the vindictive little bitch that the media made me out to be. Now that Bulger is in, I’m impressed with him. We need to let go of who voted for whom. Higher education is the loser if we don’t. The other members of the board were respectful of my vote.”⁹⁰ The irony, of course, is that she was a black woman who taught at a private Catholic institution.

And so it would be. All the trustees present, except McNeil, voted for Bulger, thereby ratifying their search committee’s top choice. Their letter explaining the outcome is insightful and worth quoting at length.

Our university has not enjoyed adequate access to top business leaders, who must respect the quality of our education and give us financial support before we can join the top rank of state universities. Mr. Bulger enjoys the confidence of a wide cross-section of Massachusetts business and civic leaders. The private sector relationships he brings to the presidency will help the university broaden its base of allies and of private funding.

In the public sector, our university faces perilous times. Federal responsibilities, but not sufficient federal funds, will soon shift to the states and lay claim to our state’s limited revenues. The university must be able to obtain its fair share of public funds. Mr. Bulger understands public processes and has worked effectively with many legislative leaders and governors of both parties. He is well suited to lead us in stating our case for fair public funding.⁹¹

The Mixed Reviews

The search and its aftermath reverberated throughout the Bay State and well beyond its borders. Overall, the reactions to the William Bulger appointment were varied. It is almost impossible to read any of them without getting a sense of partisanship. Supporters like Paul Tsongas, the former chairman of the state Board of Regents, saw it as high risk, high gain. In his opinion, however, it was a risk worth taking if Bulger could improve the university’s profile in political and business circles.⁹² Surprisingly, the *Boston Globe*, which had long been Bulger’s nemesis, endorsed him. Its editorial gingerly declared, “While his assets would not likely qualify him for the presidency of any other university in any other state, it is not too much to hope that they can work here.”⁹³

However, not everyone jumped on the bandwagon. When *The New York Times* weighed in later the next month, it ran a highly critical editorial. “Mr. Bulger could probably have stayed a Senator forever. Instead he is retiring to become president of the University of Massachusetts, a public university system that deserves far more care than the state has thus far given it. He could enhance the university or harm it, depending on whether he plays to his strengths or his weaknesses.” With an air of disdain, the editorial chided Bulger about his penchant for patronage and cronyism, comparing him to machine bosses like “Richard Daley of Chicago, John McClure of Pennsylvania, and Willie Brown of California.”⁹⁴

Many influential scholars remained skeptical of the appointment and the assertions about the objectivity of the national search. They regarded the capabilities of the man thrust into the office as sharply limited. Among the well-known skeptics was Ernest Boyer, president of the Carnegie Foundation for the Advancement of Teaching, who flatly said,

It's disturbing to see university leaders chosen on the basis of their political strengths. A university president with strong academic credentials is a symbolic figure who can speak out on the great issues in a way that a political leader cannot — on issues like the role of our institutions in a fragmented society.⁹⁵

The Cambridge academics, or a good number of them, saw the selection of Bulger as a sign of the university's vulnerability. More than this, they viewed it as a symptom of a troubled university. One individual critic, the strongest in knowledge and status, was David Saxon, the architect of the five-campus University of Massachusetts system and the former head of the California university system. Although he declined to comment specifically on Bulger or his qualifications, Saxon said he was "skeptical that a politician is the right way for UMass to go."⁹⁶ He aimed a slap at the optimists and another at the trustees.

Perhaps the harshest criticism was rendered by an anonymous Harvard scholar, who poured scorn on Bulger, "This is a guy who comes out of the lowlife of Massachusetts politics. If you think of UMass as a distinct second- or third-rate institution that has conceded the high ground to the private institutions, this is a perfectly appropriate appointment. If you think it can become a leading American state university, you'd be quite disturbed."⁹⁷ Beneath the surface of this statement lay a powerful class and ethnic bias, not to mention its academic arrogance and snobbery.

By contrast, the renowned Harvard economist John Kenneth Galbraith was much more diplomatic. He believed that UMass needed political muscle more than it needed a gifted intellectual at the helm. Galbraith buttressed his remarks by saying, "Education and its guidance in the university is the divine right of faculty."⁹⁸

Not surprisingly, both Derek Bok and Daniel Taylor announced that they would soon be stepping off the board of trustees. Bok did so immediately whereas Taylor waited until his current term expired in August 1996. Journalists speculated that they wanted no part of a Bulger administration.⁹⁹ In truth, Bok and Taylor also recognized that Bulger would probably want trustees more to his liking. Robert Karam succeeded Taylor as chairman of the board.

Reactions among the UMass faculty were varied. Ernest May at Amherst said of Bulger, "We don't need him to solve all the little problems of the campuses, if he can solve the big problem. His leadership ability as a spokesman and an advocate is in a class by itself."¹⁰⁰ May's faculty colleague Jerome Mileur put it somewhat differently. "For those who don't agree with him, it will be much more of an intellectual challenge than those of the past, when simply protesting carried the day."¹⁰¹

Displeased by the choice, Charles Knight at the Boston campus was much more caustic, underscoring the fact that Bulger had done nothing to prevent the budget cuts which had an adverse impact on the university. As Knight expressed it, "This is like making the fox president of Chicken U. There's a mix of embarrassment and curiosity right now. Some people feel we have a real leader; some feel he's a political hack."¹⁰²

Knight's acerbic response drew a sharp rebuttal from Daniel Georgianna, who saw the outcome much differently.

It is true that most selection committee members — I was one — wanted Bulger because he knows the legislative process better than anyone and has been the state leader most willing to fight a powerful governor intent on cutting the state university's budget and pushing through other restrictive legislation. He is also a tough-minded advocate of quality education, who will not be an easy mark on or off campus.¹⁰³

Finally, *Mass. High Tech*, which spoke for the business community, weighed in with a favorable reaction. Its editor, Patrick Porter, told his readers,

The fix may have been in from the beginning, but the selection of Senate President William Bulger to head the University of Massachusetts is a smart move on a number of counts. Bulger has the political instincts and contacts needed to succeed in the job. He knows how to build a consensus on difficult issues among a fractious group of know-it-alls. He's smart, tough, loves the life of the mind, and has a streak of conservatism that will do UMass a heap of good. Indeed, if nothing else, the place needs more discipline and tougher standards.¹⁰⁴

To what extent was this an atypical or idiosyncratic search? What actually happened was neither messier nor more convoluted than previous UMass presidential searches. Complicating factors — a lawsuit designed to open the search to public scrutiny; faculty demands for greater representation on the search committee; semifinalists who dropped out when they realized that an insider has an unfair advantage; and a search process that eventually became politicized — were not something new. These complex phenomena had all occurred previously.

Put another way, the decision to appoint a political figure worked marvelously. The trustees reached a consensus with only one dissenting vote, which was nothing short of remarkable. Indeed, the game plan of the Bulger promoters was well conceived and well executed. Few people understood the operations of state government better than trustee James O'Leary, who skillfully maneuvered among the various forces. A decade earlier he had blown the whistle on secretary of transportation Barry Locke, who was convicted and sent to prison for conspiracy to commit bribery and larceny.

This search differed from previous ones at the University of Massachusetts in at least four important respects. First, the search committee purposely recruited candidates from nontraditional fields of endeavor, not restricting the applicant pool solely to academics. In plainer language, this meant that the academic model was no longer king. Second, the overwhelming presence of Bulger as the dominating figure in the search no doubt scared off the timid and faint of heart. The latter saw the search as a dangerous exercise in futility. Third, the search process attracted outside participants as well as those inside the academy. Some of this had to do with the large number of Bulger critics. Fourth, it was the first time in the history of the state that a sitting governor played such a critical role in influencing the search. It is true that Governor Michael Dukakis had intervened in the Board of Regents search in 1986, but he did not so until after James Collins was appointed. Otherwise, he had studiously refrained from influencing the search process itself.

From time to time public universities find it expedient to bring in someone from the political world to respond to a particular political situation. This raises the question of the suitability of most politicians as leaders of academic institutions. In recent years there have been a number of such appointments. Some, like John Brademas, the Indiana Democrat who served in Congress for twenty years before becoming president of New York University in 1981, have been widely praised. Brademas, a former Rhodes scholar, is credited with having had the vision and determination to build a residential campus in Greenwich Village. The experience of David Boren, who resigned from the United States Senate in 1994 to become president of the University of Oklahoma, has drawn mixed reviews. The same is true of former Governor Lamar Alexander, who served as president of the University of Tennessee from 1988 to 1991. They were brought in to

serve in a political buffer role. Both men are lawyers who raised millions of dollars for their institutions, but they were also criticized for dispensing university jobs like political patronage and for lacking a coherent vision.

The political model has become a viable option in some states as public universities and their boards of trustees become more politicized. Yet it would be a mistake to discount the difficulties that political leaders encounter when they make the leap from bureaucrat to university president. As Judith McLaughlin, a distinguished student of presidential searches, says, "They have a negative image to overcome. The question often lingers: Was this a legitimate appointment or was this a favor granted, an inside job?"¹⁰⁵ Peter Magrath, president of the National Association of State Universities and Land Grant Colleges, concurs. "The danger with a political president is that that's all they know. Just because they know how to work the State House doesn't mean they can effectively work the academic house."¹⁰⁶

Organized professional groups tend to promote their own kind when it comes to operating organizations in which they have a major vested interest. In this sense, university professors are no different from other professionals. Over the years, the medical profession in Massachusetts had steadfastly believed that only a board-certified psychiatrist could properly manage the Department of Mental Health. In fact, state law required as much. As an interest group, the medical community had been powerful enough to get this requirement written into the statute books. After fierce resistance on the part of nonpsychiatrists, the law was changed in 1973, and several of them have since managed the department. Their opposition was remarkably similar to what took place in this search. Sometimes professionals act as impediments or barriers to change.

From a practical perspective, the most positive take on all of this is that the time may be right for a nonacademician to run the central office at UMass. This is especially true in light of the failure of Michael Hooker and the other career academics who were ineffectual and clumsy and could simply not get the job done. In his case, Bulger is faced with a negative image problem as well as a coherent vision problem, both of which he will have to overcome if he is to be successful. Already a bridge between academics and state policymakers, he has a lot going for him. Newspaper reporter Scot Lehigh makes the case for Bulger as follows:

Add it all up, and the potential rewards of putting Bulger at the helm of UMass seem to outweigh the risks. On the down side, Bulger's sometimes parochial world view may well collide with the university's more cosmopolitan culture. But the position also plays to his unique strengths — and he to its institutional needs. The job is important, prestigious and high-minded. Its mission is something he cares deeply about. And it's a post that could sorely benefit from a little leadership, stability and political clout.¹⁰⁷

Lehigh is probably right overall, yet the implications of his stunning assessment remain to be seen. Only time will tell how it plays out. On accepting the university presidency, Bulger articulated his vision for the future.

At the end of five years, I hope everybody in Massachusetts is cheering for it and that no one thinks of it as a fallback school instead of a first choice. In the University of Massachusetts, with its limitless potential, we have an opportunity to create an enormous treasure. To accomplish that, the university must achieve academic excellence. It must have a strong faculty. It must have a qualified student body, and it must have the funding, the educational tools and the physical plant to get the job done. Those goals will not be easy, but they are possible.¹⁰⁸

In retrospect, Peter Lewenberg insists that the search was valid. "We did the right thing for all the right reasons. Every step of the way, it was an absolutely legitimate search, but I don't think that I will ever convince the skeptics that we did the right thing."¹⁰⁹ That may be true. But the trustees and the governor landed the person they most wanted for the job. The political calculus and alchemy had favored Bulger from the very beginning. Unquestionably, he and his supporters had the political power to make it happen. Even so, an amazing consensus was reached among the key participants, including the trustees, faculty, students, alumni, and alumnae. None of the major constituencies had been left out of the picture, which is what made the final choice legitimate.■

Notes

1. University of Massachusetts trustee Peter Lewenberg, chair of the search committee, initiated this article. I am grateful to Chancellor Sherry Penney and Provost Louis Esposito for providing me with a modest summer research grant.
2. Quoted in Joe Sciacca, "Billy May Learn His Lesson the Hard Way at UMass," *Boston Herald*, November 27, 1995.
3. Quoted in Martin F. Nolan, "Stanford Puts New Emphasis on Teaching Undergraduates," *Boston Globe*, May 10, 1996.
4. Robert A. Dahl and Charles E. Lindblom, *Politics, Economics, and Welfare* (New York: Harper & Brothers, 1953), 333–334.
5. Robert C. Wood, *Whatever Possessed the President?* (Amherst: University of Massachusetts Press, 1993), 24.
6. See "Looking for a UMass Leader," *Boston Globe*, editorial, May 21, 1995.
7. See Richard A. Hogarty, "The Search for a Massachusetts Chancellor: Autonomy and Politics in Higher Education," *New England Journal of Public Policy* 4, no. 2 (Summer/Fall 1988): 7–38.
8. See Richard A. Hogarty, "Searching for a UMass President: Transitions and Leaderships, 1970–1991," *New England Journal of Public Policy* 7, no. 2 (Fall/Winter 1991): 9–46.
9. Brad Smith, "Bulger at UMass? Expert: Maybe Not," *Union-News*, November 15, 1995.
10. Interview with UMass president William Bulger, July 9, 1996.
11. See the Pew Higher Education Roundtable, *Policy Perspectives* 5, no. 3, Section A (April 1994): 6.
12. Quoted in William H. Honan, "An Icon of State Politics I Picked to Lead UMass," *New York Times*, November 29, 1995.
13. See James O. Freedman, "Our Impoverished Public Universities," *Boston Globe* op-ed article, September 25, 1995.
14. For a detailed account of the recruitment of Michael Hooker, see Richard A. Hogarty, "UMass Selects a New President: Elements of a Search Strategy," *New England Journal of Public Policy* 8, no. 2, (Fall/Winter 1992), 9–50.
15. Ian Menzies, "Bulger May Deliver Much-needed Makeover to UMass," *Patriot Ledger*, December 16, 1995.
16. Interview with trustee Peter Lewenberg, May 15, 1996.
17. Alice Dembner, "UMass President Was Opportunist Some Critics Say," *Boston Globe*, May 23, 1995.
18. Quoted in Alice Dembner, "Hooker Leaving Throws UMass a Curve," *Boston Globe*, May 14, 1995.
19. It should be noted that trustee Daniel Taylor declined to be interviewed by the author.
20. Alice Dembner, "UMass Trustees Plot Out Presidential Search," *Boston Globe*, May 16, 1995.
21. Alice Dembner, "Penney Gets Firm Vote in Interim," *Boston Globe*, May 20, 1995.
22. Courtney Leatherman, "Troubled Searches," *Chronicle of Higher Education*, September 15, 1995.

23. Quoted in Laurie Loisel, "The Ideal UMass Leader," *Hampshire Gazette*, September 23–24, 1995.
24. This information is based on interviews conducted with faculty members Janet Burke of Lowell, May 28, 1996; Daniel Georgianna of Dartmouth, July 23, 1996; Ernest May of Amherst, May 28, 1996; Philip Quaglieri of Boston, May 7, 1996; and Janet Stein of Worcester, July 22, 1996.
25. Loisel, "The Ideal UMass Leader."
26. Frank Phillips and Peter J. Howe, "Spot for Bulger Atop UMass?" *Boston Globe*, May 17, 1995.
27. Alice Dembner, "UMass Search Targets Commitment, Political Know-how," *Boston Globe*, June 8, 1995.
28. Honan, "An Icon of State Politics Is Picked to Lead UMass."
29. Quoted in Don Aucoin and Frank Phillips, "Bulger Gets UMass Helm," *Boston Globe*, November 29, 1995.
30. William M. Bulger, *While the Music Lasts: My Life in Politics* (Boston: Houghton Mifflin, 1996), 118.
31. See J. Anthony Lucas, *Common Ground: A Turbulent Decade in the Lives of Three American Families* (New York, Alfred A. Knopf, 1985).
32. Scot Lehigh, "Bulger 101: A Guide to the BMOC," *Boston Globe*, November 26, 1995.
33. Aucoin and Phillips, "Bulger Gets UMass Helm."
34. Ibid.
35. Ibid.
36. Quoted in Alice Dembner, "Bulger — UMass Prospect Raises Hopes, Questions," *Boston Globe*, November 22, 1995.
37. Richard M. Freeland, *Academia's Golden Age: Universities in Massachusetts 1945–1970* (New York: Oxford University Press, 1992), 310.
38. Connie Paige and Tim Cornell, "Bulger Says UMass Panel Drafted Him," *Boston Herald*, November 28, 1995.
39. Interview with Louis DiNatale, July 8, 1996.
40. Bulger, *While the Music Lasts*, 291.
41. Ibid., 270–271.
42. See Connie Paige, "Fried Confirmed to State's Top Court," *Boston Herald*, August 31, 1995.
43. Quoted in Robert Connolly, "UMass Brass Made Pass at Bulger," *Boston Herald*, August 9, 1995.
44. Quoted in Alice Dembner, "UMass Seen Close on Interim Leader," *Boston Globe*, May 19, 1995.
45. See Phillips and Howe, "Spot for Bulger Atop UMass?"
46. Alice Dembner, "Firm Hired to Aid Search for UMass Head," *Boston Globe*, September 1, 1996.
47. See Wayne Woodlief, "UMass Should Follow Boston's Lead," *Boston Herald*, August 10, 1995.
48. Quoted in Alice Dembner, "UMass Candidate Count: 13 + Bulger," *Boston Globe*, October 25, 1995.
49. Lewenberg interview.
50. Interview with trustee Robert Karam, July 3, 1996.
51. Interview with trustee Myra Kraft, July 30, 1996.
52. Quoted in Dembner, "UMass Seen Close on Interim Leader." It should be noted that Derek Bok declined to be interviewed.
53. Stein Interview.
54. Quoted in Alice Dembner, "Blacks Address Bulger Fitness for UMass Post," *Boston Globe*, June 13, 1995.
55. For the origins of the difficult relations between the Irish and the blacks, see Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995).
56. See John J. Okray III, "Bulger Will Lead UMass to Excellence," letter to the editor, *Boston Globe*, November 26, 1995.
57. Quaglieri interview.
58. Dembner, "Bulger — UMass Prospect Raises Hopes, Questions."

59. Quoted in Loisel, "The Ideal UMass Leader"; see also Laurie Loisel, "UMass Faculty, Trustee Rift Deep," *Hampshire Gazette*, October 14–15, 1995.
60. Quoted in Dembner, "Blacks Address Bulger Fitness for UMass Post."
61. May interview.
62. Ellsworth Barnard, "Questions Only Bulger Can Answer," *Boston Globe*, November 29, 1995.
63. Peter J. Howe, "Bulger's Record on Higher Ed Called Unclear," *Boston Globe*, June 12, 1995.
64. See "Szep's View," *Boston Globe*, November 26, 1996.
65. See Alan M. Dershowitz, "Questions about Bulger Merit an Investigation by UMass Regents," letter to the editor, *Boston Globe*, May 31, 1995.
66. Joe Malone, "Bulger Is Wrong for UMass," *Boston Herald*, November 1995.
67. Jeff Jacoby, "Another Blow to UMass Reputation," *Boston Globe*, November 28, 1995.
68. Rachelle G. Cohen, "Trouble for Happy Valley?" *Boston Herald*, October 25, 1995.
69. See Alice Dembner and Scot Lehigh, "Bulger Strong as Field Narrows," *Boston Globe*, October 31, 1995.
70. David Nyhan, "Bulger Deserves a Fair Hearing for Top Job at UMass," *Boston Globe*, May 19, 1995.
71. Alice Dembner and Frank Phillips, "Senate President Nominated to Head UMass, Sources Say," *Boston Globe*, October 12, 1995.
72. Interview with trustee Michael Foley, June 25, 1996.
73. Ralph Whitehead, Jr., letter to author, August 22, 1996.
74. Interview with student trustee Matthew Morrissey, August 1, 1996.
75. Interview with alumnus Michael Morris, August 2, 1996.
76. Stein interview.
77. Georgianna interview.
78. Interview with Joyce Kirby, June 10, 1996.
79. Judge Charles Barrett, "Memorandum of Decision," *Alice Dembner v. Board of Trustees of the University of Massachusetts*, Suffolk Superior Court, Civil Action No. 95-5938F, 2.
80. Interview with Alice Dembner, July 8, 1996.
81. Alice Dembner, "One Finalist for UMass Chief Drops Out," *Boston Globe*, November 7, 1995.
82. Alice Dembner, "2d Finalist for UMass Presidency Withdraws," *Boston Globe*, November 18, 1995.
83. Dembner and Lehigh, "Bulger Strong as Field Narrows."
84. Georgianna interview.
85. Karam interview.
86. Georgianna interview.
87. Morrissey interview.
88. Anthony Flint, "2 Other Finalists Had Different Styles," *Boston Globe*, November 22, 1995.
89. Bulger interview.
90. Interview with Ogretta McNeil, June 4, 1996.
91. Letter from Daniel Taylor and Peter Lewenberg to members of the university community, November 28, 1995.
92. Quoted in *Boston Globe*, November 22, 1995.
93. *Boston Globe* editorial, November 29, 1995.
94. *New York Times* editorial, December 14, 1995.
95. Quoted in William H. Honan, "Do Politicians Fit Academe's Groove?" *New York Times*, December 3, 1995.
96. Quoted in Dembner, "2d Finalist for UMass Presidency Withdraws."
97. Quoted in Patrick Healy, "A Shrewd Politician Assumes Presidency of U. of Massachusetts," *Chronicle of Higher Education*, April 19, 1996.
98. Ibid.
99. See Alice Dembner, "As Bulger Arrives, 2 UMass Trustees Planning Exit," *Boston Globe*, January 4, 1996.
100. Quoted in Alice Dembner, "Bulger Stirring Hopes and Questions at UMass," *Boston Globe*, November 22, 1995.

101. Quoted in Healy, "A Shrewd Politician Assumes Presidency of U. of Massachusetts."
102. Ibid.
103. See Daniel Georgianna, "Politician Appointed to UMass Presidency," letter to the editor, *Chronicle of Higher Education*, May 31, 1996, B-4.
104. Patrick Porter, "Bulger's a Smart Move," *Mass. High Tech*, December 4-17, 1995.
105. Alice Dembner, "Ex-politicians as University Leaders Get Mixed Reviews," *Boston Globe*, November 20, 1995.
106. Quoted in "UMass Panel: Bulger's Clout a Plus," *Patriot Ledger*, November 21, 1995.
107. Lehigh, "Bulger 101."
108. Quoted in Alice Dembner, "UMass Trustees Make Foregone Choice Official with One Dissent," *Boston Globe*, November 29, 1995.
109. Lewenberg interview.

ERRATA

In Volume 11, Number 2, of the *New England Journal of Public Policy*, Table 3 was inadvertently omitted from “The Health Status and Lost Earnings of Hispanic and Non-Hispanic Women” by Janis Barry Figueroa. The table on page 161 should have been labeled Table 4, that on page 163, Table 5, and that on page 165, Table 6.

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Robert Frost, "The Gift Outright," in *The Poetry of Robert Frost*, edited by Edward Connery Lathem (New York: Holt, Rinehart and Winston, 1975), 348.

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Shaun O'Connell, "The Infrequent Family: In Search of Boston's Literary Community," *Boston Magazine* 67, no. 1 (January 1975): 44–47.

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O'Connell, "Infrequent Family," 44–47.

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